

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MYLAN PHARMACEUTICALS INC. and MYLAN LABORATORIES  
LIMITED,  
Petitioner,

v.

BAXTER INTERNATIONAL INC. and BAXTER HEALTHCARE S.A.,  
Patent Owner.

---

Case IPR2016-00217 (Patent 6,310,094 B1)  
Case IPR2016-00218 (Patent 6,528,540 B2)<sup>1</sup>

---

Before KRISTINA M. KALAN, JON B. TORNQUIST, and  
TINA E. HULSE, *Administrative Patent Judges.*

HULSE, *Administrative Patent Judge.*

TERMINATION  
Dismissing the Proceeding  
*37 C.F.R. § 42.5(a), 37 C.F.R. § 42.71(a)*

---

<sup>1</sup> This decision addresses issues that are common to each of the above-referenced cases. We, therefore, issue a single decision that has been entered in each case.

IPR2016-00217 (Patent 6,310,094 B1)  
IPR2016-00218 (Patent 6,528,540 B2)

On April 25, 2016, the parties filed a joint motion to terminate the proceeding in each of the above-referenced cases pursuant to 35 U.S.C. § 317(a). Paper 8.<sup>2</sup> The parties also filed a copy of a settlement agreement (Exhibit 1026) along with a joint request to file the settlement agreement as business confidential information under 35 U.S.C. § 317(b) (Paper 9).

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). This case is in the preliminary proceeding stage, which begins with the filing of a petition and ends with a written decision as to whether trial will be instituted. *See* 37 C.F.R. § 42.2. Based on the facts of this case, we determine that it is appropriate to dismiss the case without rendering a decision as to whether a trial will be instituted. Therefore, the joint motion to terminate the case is GRANTED.

Accordingly, it is

ORDERED that the parties' request that the settlement agreement be treated as business confidential information, to be kept separate from the patent file, is GRANTED;

FURTHER ORDERED that the joint motion to terminate the case is GRANTED;

FURTHER ORDERED that the Petition for *inter partes* review is DISMISSED.

---

<sup>2</sup> Paper numbers and exhibits refer to those filed in IPR2016-00217. Similar papers and exhibits were filed in IPR2016-00218.

IPR2016-00217 (Patent 6,310,094 B1)

IPR2016-00218 (Patent 6,528,540 B2)

PETITIONER:

Steven W. Parmelee

Michael T. Rosato

Wilson Sonsini Goodrich & Rosati

sparmlee@wsgr.com

mrosato@wsgr.com

PATENT OWNER:

James W. Hill

David L. Cavanaugh

Owen K. Allen

Wilmer Cutler Pickering Hale and Dorr LLP

james.hill@wilmerhale.com

david.cavanaugh@wilmerhale.com

owen.allen@wilmerhale.com