

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RANBAXY INC.,  
Petitioner,  
v.

JAZZ PHARMACEUTICALS, INC. and  
JAZZ PHARMACEUTICALS IRELAND LTD,  
Patent Owner.

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Case IPR2016-00738  
Patent 9,050,302 B2

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Before ERICA A. FRANKLIN, JACQUELINE WRIGHT BONILLA, and  
ZHENYU YANG, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

JUDGMENT  
Termination of the Proceeding  
*37 C.F.R. §§ 42.72 – 42.74*

On May 12, 2016, the parties filed a joint motion to terminate the proceeding under 35 U.S.C § 317 (a). Paper 9. In addition, citing to 35 U.S.C § 317 (b) and 37 C.F.R. §§ 42.72 and 42.74, the parties filed a true copy of their written settlement agreement, Ex. 2002, and a joint request that the settlement agreement be treated as business confidential information and kept separate from the file of US Patent No. 9,050,302 B2, Paper 10.

In the joint motion, the parties explain that termination of the proceeding is appropriate because they have reached an agreement settling their dispute with respect to US Patent No. 9,050,302 B2. Paper 9, 2. The parties explain also that they have filed a “Stipulation and Order of Dismissal” in the related district court litigation, *Jazz Pharmaceuticals, Inc. v. Amneal Pharmaceuticals, LLC*, 13-391-ES-JAD (D.N.J.). *Id.*

This case is in the preliminary proceeding<sup>1</sup> stage; a decision whether to institute trial has not been made. Under these circumstances, we determine that it is appropriate to enter judgment<sup>2</sup> terminating this proceeding. Additionally, the parties’ request for the settlement agreement to be treated as business confidential information and kept separate from the file of US Patent No. 9,050,302 B2 is *granted*.

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<sup>1</sup> A preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether a trial will be instituted. 37 C.F.R. § 42.2.

<sup>2</sup> A judgment means a final written decision by the Board, “or a termination of a proceeding.” 37 C.F.R. § 42.2.

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Accordingly, it is

ORDERED that the joint motion to terminate the proceeding is *granted*; and

FURTHER ORDERED that the joint request that the settlement agreement, Ex. 2002, be treated as business confidential information and kept separate from the file of the involved patent under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*; and

FURTHER ORDERED that the proceeding is *terminated*.

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