

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS, Inc.,
Petitioner,

v.

SENJU PHARMACEUTICAL CO., LTD.,
Patent Owner.

Case IPR2016-01163
Patent 8,877,168 B1

Before LORA M. GREEN, JACQUILINE WRIGHT BONILLA, and
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

MITCHELL, *Administrative Patent Judge*.

DECISION
Termination of the Proceeding
37 C.F.R. §§ 42.72 and 42.74

I. DISCUSSION

On August 9, 2016, the parties filed a Joint Motion to Terminate this case (Paper 7), a true copy of the parties' settlement agreement (Ex. 1035), and a request to treat the settlement agreement as business confidential information and kept separate under 37 C.F.R. § 42.74(c) (Paper 8).

This case is still in its preliminary stages. On June 8, 2016, Petitioner, Mylan Pharmaceuticals, Inc., filed a Petition requesting an *inter partes* review of claims 1–14 and 16–30 of U.S. Patent No. 8,877, 168 B1 (Ex. 1002, “the ’168 patent”). Paper 2. We have not entered a decision on whether to institute an *inter partes* review.

In the Joint Motion to Terminate this case, the parties represent that they have settled their dispute regarding the ’168 patent. Paper 7, 2. Specifically, the parties represent that the Confidential Settlement and License Agreement (“Agreement”) “ends all patent disputes between the parties, including this proceeding. Moreover . . . the Agreement resulted in the dismissal of the underlying civil action.” *Id.* at 3. Under these circumstances, we determine that it is appropriate to terminate this case without rendering any further decision. *See* 37 C.F.R. § 42.72.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request to treat the settlement agreement (Ex. 1035) as business confidential information under 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the Joint Motion to Terminate this case is GRANTED, and this case is hereby terminated.

For PETITIONER:

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