

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMNEAL PHARMACEUTICALS LLC,
Petitioner,

v.

HOSPIRA, INC.,
Patent Owner.

Case IPR2016-01578
Patent 8,338,470 B1

Before MICHAEL J. FITZPATRICK, SHERIDAN K. SNEDDEN, and
ZHENYU YANG, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

ORDER

Termination of the Proceeding Due to Settlement after Institution
35 U.S.C. § 317 and 37 C.F.R. § 42.72

With our authorization, the parties filed a Joint Motion to Terminate this proceeding pursuant to 35 U.S.C. § 317(a). Paper 17. In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties filed a true and correct copy of a Settlement Agreement (Ex. 1067), along with a Joint Request to File Settlement Agreement as Business Confidential Information, to be kept separate from the publicly available patent files. Paper 18.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” In this case, the Board instituted trial on February 9, 2017. Paper 11. So far, Patent Owner has not filed its Patent Owner Response, and the Board has not decided the merits of the proceeding.

Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a).” After reviewing the Joint Motion to Terminate and the Settlement Agreement, we determine that it is appropriate to terminate the proceeding without rendering a final written decision. Therefore, the Joint Motion to Terminate is GRANTED.

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Accordingly, it is

ORDERED that the Joint Motion to Terminate is GRANTED and this proceeding is hereby TERMINATED; and

FURTHER ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information is GRANTED, and the Settlement Agreement will be kept separate from the patent files.

PETITIONER:

Paul Tully
tully@mbhb.com

Kevin Noonan
noonan@mbhb.com

Andrea Orth
orth@mbhb.com

PATENT OWNER:

Sandra Lee
sandra.lee@bakerbotts.com

Eliot Williams
eliot.williams@bakerbotts.com

Stephen Hash
stephen.hash@bakerbotts.com