

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FAMY CARE LIMITED,
Petitioner,

v.

ALLERGAN, INC.,
Patent Owner.

Case IPR2017-00566 (US 8,648,048 B2)
Case IPR2017-00567 (US 8,629,111 B2)
Case IPR2017-00568 (US 8,633,162B2)
Case IPR2017-00569 (US 9,248,191 B2)
Case IPR2017-00570 (US 8,624,556 B2)
Case IPR2017-00571 (US 8,685,930 B2)¹

Before SHERIDAN K. SNEDDEN, TINA E. HULSE, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

TERMINATION
35 U.S.C. § 317(a); 37 C.F.R. § 42.72

¹ This order addresses issues that are common to the above-referenced cases. We, therefore, issue a single order that has been entered in each case.

IPR2017-00566 (US 8,648,048 B2); IPR2017-00567 (US 8,629,111 B2); IPR2017-00568 (US 8,633,162B2); IPR2017-00569 (US 9,248,191 B2); IPR2017-00570 (US 8,624,556 B2); IPR2017-00571 (US 8,685,930 B2)

On August 29, 2017, the parties filed a joint motion to terminate the proceeding in each of the above-referenced cases under 35 U.S.C. § 317(a). Paper 18.² The parties also filed a copy of the settlement documents (Exhibits 1035–1037) along with a joint request that the settlement documents be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74 (Paper 17).

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 the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

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. 48,756, 48,768 (Aug. 14, 2012). On July 12, 2017, the Board instituted an *inter partes* review under 35 U.S.C. § 314 in each of the above-referenced proceedings. Paper 12. Patent Owner has not yet filed a Patent Owner Response, and Petitioner has not filed a Reply. More importantly, no final written decision has been entered in this proceeding.

The Board is persuaded that, under these circumstances, it is appropriate to terminate this proceeding. *See* 37 C.F.R. § 42.72.

Accordingly, it is

ORDERED that the parties’ request that the settlement documents (Exhibits 1035–1037) be treated as business confidential information, to be kept separate from the patent file, is GRANTED;

² Paper numbers and exhibits refer to those filed in IPR2017-00566. Similar papers and exhibits were filed in each of the other cases.

IPR2017-00566 (US 8,648,048 B2); IPR2017-00567 (US 8,629,111 B2);
IPR2017-00568 (US 8,633,162B2); IPR2017-00569 (US 9,248,191 B2);
IPR2017-00570 (US 8,624,556 B2); IPR2017-00571 (US 8,685,930 B2)

FURTHER ORDERED that the joint motions to terminate the above-referenced proceedings are GRANTED;

FURTHER ORDERED that the *inter partes* reviews in IPR2017-00566, IPR2017-00567, IPR2017-00568, IPR2017-00569, IPR2017-00570, and IPR2017-00571 are TERMINATED.

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