

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERIGEN PHARMACEUTICALS LIMITED,
Petitioner,

v.

SHIRE LLC,
Patent Owner.

Case IPR2017-00665
Patent 8,846,100 B2

Before TONI R. SCHEINER, LORA M. GREEN, and
SHERIDAN K. SNEDDEN, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

DECISION

Granting Joint Motion to Terminate before Institution
35 U.S.C. § 317; 37 C.F.R. § 42.72, 42.74

On April 26, 2017, the parties filed a joint motion to terminate the instant proceeding (Paper 6), accompanied by a true copy of the Settlement and Collateral Agreements (Ex. 2001). The parties additionally filed a joint request to treat the agreements as business confidential, to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 7).

The parties indicate in their joint motion to terminate that they have “reached a settlement of all issues in this proceeding.” Paper 6, 1. The parties indicate further that “there are no district court actions between Petitioner and Patent Owner involving” the patent at issue in the instant proceeding. *Id.* at 2.

This proceeding is in a preliminary stage. Patent Owner has not filed a preliminary response and no decision on whether to institute trial has been made. Under the circumstances presented here, we determine that it is appropriate to terminate this preliminary proceeding with respect to both Petitioner and Patent Owner. Accordingly, we grant the parties’ joint motion to terminate. We also grant the parties’ joint request to treat the settlement agreement as business confidential information, to be kept separate from the patent file.

Accordingly, it is

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

FURTHER ORDERED that the joint motion to terminate the proceedings is GRANTED; and

FURTHER ORDERED that the instant proceeding is TERMINATED.

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