

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WATSON LABORATORIES, INC.
Petitioner,

v.

UNITED THERAPEUTICS, CORP.
Patent Owner.

Case IPR2017-01621
Patent 9,358,240 B2

Before TONI R. SCHEINER, ERICA A. FRANKLIN, and
DAVID COTTA, *Administrative Patent Judges*.

COTTA, *Administrative Patent Judge*.

ORDER

Granting Joint Motion to Terminate the Proceeding After Institution and
Request to Treat Settlement Agreement as Business Confidential
Information

37 C.F.R. §§ 42.71; 42.74

On August 21, 2018, the parties filed a joint motion to terminate this proceeding under 35 U.S.C § 317. Paper 61. In addition, citing to 35 U.S.C § 317(b) and 37 C.F.R. § 42.74, the parties filed a copy of their written settlement agreement, Ex. 2212, and a joint request that the settlement agreement be treated as business confidential information and kept separate from the files of IPR2017-01621 and the patent involved therein. Paper 62.

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 U.S. Patent No. 9,358,240 B2. Paper 61, 2. The parties also explain that they have agreed to dismiss all other proceedings related to the challenged patent, including the related district court litigation, *United Therapeutics Corp. v. Watson Laboratories, Inc.*, Civil Action No. 3:15-05723-PGS-LHG (D.N.J.). *Id.*

Under these circumstances, we determine that it is appropriate to enter judgment terminating this proceeding. Additionally, we grant the parties' request for the settlement agreement to be treated as business confidential information and kept separate from the file of U.S. Patent No. 9,358,240 B2.

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. 2212, 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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Patent 9,358,240 B2

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