

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KASHIV PHARMA, LLC,
Petitioner

v.

PURDUE PHARMA L.P.
THE P.F. LABORATORIES, INC., and
PURDUE PHARMACEUTICALS L.P.
Patent Owners.

Case IPR2018-00625 (Patent 9,492,392 B2)
Case IPR2018-00717 (Patent 9,492,393 B2)

Before CHRISTOPHER G. PAULRAJ, JACQUELINE T. HARLOW, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

PAULRAJ, *Administrative Patent Judge*.

ORDER AUTHORIZING FILING OF MOTION TO TERMINATE;
SUSPENDING DEADLINES
Conduct of the Proceeding
37 C.F.R. § 42.5

IPR2018-00625 (Patent 9,492,392 B2)

IPR2018-00717 (Patent 9,492,393 B2)

In a telephone conference with the panel held on August 6, 2018, counsel for Petitioner and Patent Owner stated that the parties seek to terminate these proceedings due to an impending settlement. The parties also requested that the Board suspend the discovery and supplemental briefing deadlines set forth in our Decision Granting Patent Owner's Motion for Additional Discovery and Authorizing Supplemental Briefing (Paper 20) in view of the pending settlement and request to terminate.

The parties are authorized to file a Joint Motion to Terminate this proceeding. The Joint Motion to Terminate must update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving the subject patents. The Joint Motion to Terminate must be filed by August 9, 2018. The deadlines previously set forth in Paper 20 are also hereby suspended.

The parties may agree to settle any issue in a proceeding pursuant to a written agreement, a copy of which shall be filed with the Board before termination of the trial. 37 C.F.R. § 42.74(a)-(b). Any agreement or understanding between the patent owner and a petitioner, including any collateral agreements referred to in such agreement or understanding made in connection with, or in contemplation of, the termination of an *inter partes* review shall be in writing, and a true copy of such agreement or understanding shall be filed in the Office before the termination of such review as between the parties. 35 U.S.C. § 317(b).

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A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R § 42.74(c). The request must be filed with the settlement. *Id.*

Accordingly, it is:

ORDERED that the parties are authorized to file, by August 9, 2018, a Joint Motion to Terminate the proceedings in IPR2018-00625 and IPR2018-00717; and

FURTHER ORDERED that the parties are authorized to file, by August 9, 2018, a Joint Request that the Settlement Agreement Be Treated as Business Confidential Information; and

FURTHER ORDERED that that the deadlines set forth in our Decision Granting Patent Owner's Motion for Additional Discovery and Authorizing Supplemental Briefing (Paper 20) are suspended pending resolution of the Joint Motion to Terminate.

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