

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MYLAN PHARMACEUTICALS INC.,  
Petitioner,

v.

BRISTOL-MYERS SQUIBB COMPANY and PFIZER INC.,  
Patent Owners.

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Case IPR2018-00892  
Patent 9,326,945 B2

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Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and  
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

ORDER

Authorizing the Filing of a Joint Motion to Terminate  
*35 U.S.C. § 317; 37 C.F.R. §§ 42.20(b), 42.72*

In an email correspondence sent to the Board on December 26, 2018, Patent Owners and Petitioner requested a teleconference to seek permission to file a joint motion to terminate this proceeding. The relevant portion of the email reads as follows:

Patent Owners and Petitioner wish to jointly notify the Board that they have entered into a settlement including the above-referenced proceeding. In view of the settlement, the parties jointly request leave to file a joint motion to terminate the proceeding. The parties also wish to submit a request to keep the settlement confidential (Board's eyes only).

Upon consideration thereof, the parties are authorized to file a joint motion to terminate (as a Paper). 35 U.S.C. § 317(a). The joint motion must (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue; (3) identify any related proceedings currently before the Office, and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding.

The joint motion to terminate also must include a true copy of any settlement agreement or understanding (as an Exhibit) and include a statement certifying that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the inter partes review. See 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(b). A redacted version will not be accepted as a true copy of the settlement agreement. Attention of the parties is directed to FAQ G2 on the Board's website page at <http://www.uspto.gov/ip/boards/bpai/prps.jsp> for instructions on how to file a settlement agreement as confidential.

The parties are authorized to file a joint request to file settlement agreement as business confidential information pursuant to 35 U.S.C. §

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317(b) in this proceeding. Any joint request to file the settlement agreement as business confidential information must be filed as a separate paper contemporaneously with the joint motion to terminate. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

In consideration of the foregoing, it is

ORDERED that the parties are authorized to file, by no later than January 25, 2019, (1) a joint motion to terminate (as a Paper), including a true copy of any settlement agreement (as an Exhibit), and (2) a joint request to file settlement agreement as business confidential information pursuant to 35 U.S.C. § 317(b) (as a separate Paper) in this proceeding.

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