

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

Termination of the Proceeding Due to Settlement after Institution  
*35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74*

With our authorization, the parties filed a Joint Motion to Terminate this proceeding pursuant to 35 U.S.C. § 317(a). Paper 40. In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties filed a true and correct copy of a Settlement Agreement (Exs. 1047, 1048), along with a Joint Request to File Settlement Agreement as Business Confidential Information, to be kept separate from the publicly available patent files. Paper 41.

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 patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” In this case, the Board instituted trial on October 15, 2018. Paper 24. So far, Patent Owner has not filed its Patent Owner Response, and the Board has not decided the merits of the proceeding.

Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a).” After reviewing the Joint Motion to Terminate and the Settlement Agreement, we determine that it is appropriate to terminate the proceeding without rendering a final written decision. Therefore, the Joint Motion to Terminate is granted. *See* 37 C.F.R. §§ 42.72, 42.74.

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Accordingly, it is

ORDERED that the Joint Motion to Terminate is *granted* and this proceeding is hereby *terminated*; and

FURTHER ORDERED that the Joint Motion to File Settlement Agreement as Business Confidential Information is *granted*, and Exhibit 1047 and Exhibit 1048 will be kept separate from the pertinent file consistent with 37 C.F.R. § 42.74(c).

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