

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADAMIS PHARMACEUTICALS CORPORATION,
Petitioner,

v.

BELCHER PHARMACEUTICALS, LLC,
Patent Owner.

Case IPR2019-01021
Patent 9,283,197 B1

Before SUSAN L. C. MITCHELL, TINA E. HULSE, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

DECISION

*Granting Joint Motion to Terminate and
Joint Request to Treat Settlement Agreement as
Business Confidential Information
37 C.F.R. §§ 42.5(a), 42.71(a)*

On July 29, 2019, the parties filed a joint motion to terminate the proceeding under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 7. The parties also filed a copy of a Settlement and License Agreement (Exhibit 1026), along with a joint request to treat the agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 8.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). This case is in the preliminary proceeding stage, and we have not yet decided whether to institute trial. In view of the early stage of this proceeding and the settlement between the Parties, we determine that it is appropriate to dismiss the case without rendering a decision as to whether a trial will be instituted. *See* 37 C.F.R. § 42.71(a). Therefore, we grant the Joint Motion to Terminate.

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the Settlement and License Agreement (Exhibit 1026) treated as business confidential information and kept separate from the files of the patent at issue in this proceeding. Thus, we grant the Joint Request to treat the Settlement and License Agreement as business confidential information.

ORDER

For the foregoing reasons, it is hereby:

ORDERED that the Joint Motion to Terminate is *granted*;

FURTHER ORDERED that the Joint Request to treat the Settlement and License Agreement (Exhibit 1026) as business confidential information is *granted*;

FURTHER ORDERED that the Settlement and License Agreement shall be kept separate from the file of Patent 9,283,197 B1, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the Petition for *inter partes* review is DISMISSED.

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