

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEVA PHARMACEUTICALS USA, INC. AND WATSON
LABORATORIES, INC.

Petitioners,

v.

MERCK SHARP & DOHME CORP.

Patent Owner.

Case IPR2020-01045

Patent 7,326,708

JOINT MOTION TO TERMINATE IPR PURSUANT TO 35 U.S.C. § 317

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Patent Trial and Appeal Board

U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Case IPR2020-01045
Patent No. 7,326,708

Pursuant to 35 U.S.C. § 317 and C.F.R. § 42.74, and pursuant to the authorization to file this motion provided by the Board in an email dated November 20, 2020, Petitioners Teva Pharmaceuticals USA, Inc. and Watson Laboratories, Inc. (collectively “Teva”) and Patent Owner Merck Sharp & Dohme Corp. (“Merck”) jointly request the termination of this *inter partes* review of U.S. Patent No. 7,326,708. Pursuant to the Board’s November 20, 2020 e-mail, Teva and Merck confirm that the grant of this Joint Motion to Terminate will fully dispose of IPR2020-01045.

Teva and Merck have settled their dispute and have reached agreement to terminate this *inter partes* review. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the parties’ settlement agreements have been made in writing, and a true and correct copy is being filed concurrently herewith as Exhibit 1023. The parties state that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding, beyond the written agreements submitted as Ex. 1023. The parties are also filing concurrently herewith a joint request to treat the settlement agreements, Ex. 1023, as business confidential information and to keep Ex. 1023 separate from the files of the IPR and the involved patent pursuant to 35 U.S.C. §317(b) and 37 C.F.R. § 42.74(b).

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Termination of this *inter partes* review is proper under 35 U.S.C. § 317(a) because the Board has not yet decided the merits of the proceeding.

No other party's rights will be prejudiced by the termination of this *inter partes* review.

The pending litigation related to this patent between Teva and Merck has been settled.

For the foregoing reasons, Teva and Merck respectfully jointly request termination of this *inter partes* review.

Date: November 24, 2020

Respectfully submitted,

/Stanley E. Fisher/

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CERTIFICATION OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned certifies service of the foregoing Joint Motion to Terminate IPR Pursuant to 35 U.S.C. § 317 on the counsel of record for the Patent Owner via electronic mail to the following addresses:

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Dated: November 24, 2020

/Keith A. Zullow /
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