

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DANISCO US INC. and DUPONT NUTRITION BIOSCIENCES ApS,  
Petitioners,

v.

NOVOZYMES A/S,  
Patent Owner.

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Case IPR2021-00188  
U.S. Patent 10,058,107

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**JOINT MOTION TO TERMINATE PROCEEDING**

## EXHIBITS

Exhibit No.	Exhibit Description
2001	Selected File History of Larsen Application No. 14/405,072
2002	CONFIDENTIAL Settlement agreement dated August 13, 2021, with all collateral agreements

Petitioners Danisco US Inc. and DuPont Nutrition Biosciences ApS, and Patent Owner Novozymes A/S (collectively “Parties”) hereby jointly move for an order terminating the petition for inter partes review filed December 4, 2020, directed to Patent No. 10,058,107 (“the ’107 patent”) and assigned case number IPR2021-00188.

Patent Owner filed their mandatory notices on December 21, 2020, and their preliminary response on March 16, 2021. The PTAB entered the decision instituting trial on May 17, 2021 (Paper 10).

The Parties have settled their dispute and have reached agreement to terminate this proceeding. The Parties’ settlement agreement and any collateral agreements have been made in writing, and true copies of the same are attached as Confidential Exhibit 2002. The parties confirm that, other than the agreements provided in Confidential Exhibit 2002, there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.

In addition, the Parties desire the settlement agreement and collateral agreements of Confidential Exhibit 2002 be maintained as business confidential under 37 C.F.R. §42.74(c), and a separate joint request to that effect is being filed concurrently herewith.

## 1. Reasons Why Termination Is Appropriate

Termination is proper because the Parties are jointly requesting termination, the review is still in its early stages, and the Office has not yet “decided the merits of the proceeding before the request for termination is filed.” As noted in the Patent Office Trial Practice Guidelines, “there are strong public policy reasons to favor settlement between the parties to a proceeding . . . . 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.”<sup>1</sup> Accordingly, termination is appropriate here.

The Parties understand that if the Board terminates this petition for inter partes review, no estoppel under 35 U.S.C. § 315(e) or 37 C.F.R. § 42.73(d)(1) will attach to Petitioner. The Parties understand that if the Board terminates this petition for inter partes review before a final written decision on patentability, no preclusion will attach to Patent Owner under 37 C.F.R. § 42.73(d)(3).

As authorized by email on August 20, 2021, true copies of all agreements made in connection with, or in contemplation of, the termination of this petition for inter partes review are being contemporaneously filed herewith as Confidential Exhibit 2002.

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<sup>1</sup> See Federal Register Vol. 77, No. 157 at 48768.

There are no other pending proceedings between the Petitioner and Patent  
Owner relating to the '107 patent.

For the foregoing reasons, the Parties jointly request termination of  
IPR2021-00188.

Respectfully submitted,

Date: August 27, 2021

/Michael Flibbert/  
Michael Flibbert, Reg. No. 33,234  
Pier DeRoo, Reg. No. 69,340

Counsel for Petitioner

Date: August 27, 2021

/Dorothy Whelan/  
Dorothy Whelan, Reg. No. 33,814  
Robert Sullivan, Reg. No. 30,499  
Michael Zoppo, Reg. No. 61,074  
Kathryn Grey, Reg. No. 69,591

Counsel for Patent Owner

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