

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MYLAN PHARMACEUTICALS INC.,
Petitioner,

v.

COSMO TECHNOLOGIES LIMITED,
Patent Owner.

Case IPR2017-01034
Patent 8,784,888 B2

Before SUSAN L. C. MITCHELL, ZHENYU YANG, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

DECISION
Granting Joint Motion to Terminate
Due to Settlement Prior to Institution
37 C.F.R. §§ 42.72, 42.74

On September 20, 2017, the parties filed a joint motion to terminate the instant proceeding (Paper 7), accompanied by a true copy of a settlement agreement (Ex. 2001), and a joint request to treat the agreement as business confidential information, to be kept separate from the patent file, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 8).

The parties indicate in their joint motion to terminate that they have reached an agreement resolving their current dispute involving U.S. Patent No. 8,784,888 B2 (“the ’888 patent”). Paper 7, 2. The parties request termination, stating that “[t]he settlement agreement was entered into in contemplation of termination of this proceeding.” *Id.* at 5. Additionally, the parties state that “[u]nder the terms of the settlement agreement, Patent Owner agrees to dismiss its infringement claim of [the ’888 patent] against Petitioner following termination of this IPR proceeding.” *Id.* at 2.

This proceeding is in a preliminary stage. Patent Owner did not file a Preliminary Response, and no decision on whether to institute trial has been issued. Under the circumstances presented here, we determine that it is appropriate to terminate this preliminary proceeding with respect to both Petitioner and Patent Owner. Accordingly, we grant the parties’ joint motion to terminate. We also grant the parties’ joint request to treat their agreement as business confidential information, to be kept separate from the patent file.

Accordingly, it is

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ORDERED that the joint motion to terminate the proceedings is
GRANTED;

FURTHER ORDERED that the joint request to treat the parties' agreement as business confidential information, to be kept separate from the patent file, is GRANTED; and

FURTHER ORDERED that the instant proceeding is TERMINATED.

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