Paper 15

Entered: October 28, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANOFI-AVENTIS U.S. LLC and SANOFI-AVENTIS DEUTSCHLAND GMBH, Petitioner,

v.

ASTRAZENECA PHARMACEUTICALS LP and AMYLIN PHARMACEUTICALS, LLC, Patent Owner.

Cases IPR2016-00353 (Patent 7,691,963 B2), IPR2016-00354 (Patent 8,445,647 B2), and IPR2016-00355 (Patent 8,951,962 B2)

Before SHERIDAN K. SNEDDEN, ZHENYU YANG, and TINA E. HULSE, Administrative Patent Judges.

SNEDDEN, Administrative Patent Judge.

JUDGMENT

Granting Joint Motion to Terminate Proceeding and Granting Request to Treat Agreement as Business Confidential Information 37 C.F.R. §§ 42.72 & 42.74



IPR2016-00353 (Patent 7,691,963 B2), IPR2016-00354 (Patent 8,445,647 B2), and IPR2016-00355 (Patent 8,951,962 B2)

INTRODUCTION

Sanofi-Aventis U.S. LLC and Sanofi-Aventis Deutschland GMBH (collectively, "Petitioner") and AstraZeneca Pharmaceuticals LP and Amylin Pharmaceuticals, LLC (collectively, "Patent Owner") filed a Joint Motion to Terminate in each of the proceedings identified in the caption of this Judgment. IPR2016-00353, Paper 12; IPR2016-00354, Paper 12; IPR2016-00355, Paper 12. In each proceeding, along with the Joint Motion to Terminate, the parties filed a copy of their settlement agreement ("the Agreement"), made in connection with the termination of these proceedings and the related district court proceedings, in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 2.74(b). IPR2016-00353, Paper 13; IPR2016-00354, Paper 13; IPR2016-00355, Paper 13.

In each proceeding, the parties also submitted a Joint Motion requesting that the Agreement be treated as business confidential information and be kept separate from the files of the patents at issue under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). IPR2016-00353, Paper 14; IPR2016-00354, Paper 14; IPR2016-00355, Paper 14.

In each Joint Motion to Terminate, the parties indicate that the Agreement resolves all disputes between the parties and their affiliates involving the patents-at-issue in these proceedings. *See, e.g.*, IPR2016-00353, Paper 12, 3–5. Upon consideration of the facts before us, it is appropriate to terminate these proceedings without rendering final written decisions. 37 C.F.R. § 42.72. Accordingly, we grant the Joint Motion to Terminate in each proceeding.



IPR2016-00353 (Patent 7,691,963 B2), IPR2016-00354 (Patent 8,445,647 B2), and IPR2016-00355 (Patent 8,951,962 B2)

We also grant the Joint Motion to File Agreement as Business Confidential Information in each proceeding.

ORDER

For the foregoing reasons, it is:

ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2016-00353, Paper 14) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2016-00353, Paper 12) is *granted*, and IPR2016-00353 is terminated with respect to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2016-00354, Paper 14) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2016-00354, Paper 12) is *granted*, and IPR2016-00354 is terminated with respect to both Petitioner and Patent Owner;

FURTHER ORDERED that the Joint Motion to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 (IPR2016-00355, Paper 14) is *granted*;

FURTHER ORDERED that the Joint Motion to Terminate Proceedings (IPR2016-00355, Paper 12) is *granted*, and IPR2016-00355 is terminated with respect to both Petitioner and Patent Owner.



IPR2016-00353 (Patent 7,691,963 B2), IPR2016-00354 (Patent 8,445,647 B2), and IPR2016-00355 (Patent 8,951,962 B2)

PETITIONER:

Paul Berghoff berghoff@mbhb.com Joshua Rich rich@mbhb.com Andrew Williams williams@mbhb.com

PATENT OWNER:

David Berl dberl@wc.com Dov Grossman dgrossman@wc.com

