

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)

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