

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARGENTUM PHARMACEUTICALS LLC,
Petitioner,

v.

CIPLA LTD.,
Patent Owner.

Case IPR2017-00807
Patent 8,168,620 B2

Before JAMES T. MOORE, ZHENYU YANG, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

DECISION
Granting Joint Motion to Terminate
35 U.S.C. § 317(a) and 37 C.F.R. § 42.72

On May 17, 2018, Argentum Pharmaceuticals LLC (“Petitioner”) and Cipla Limited (“Patent Owner”) filed a joint motion to terminate this proceeding pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74. Paper 58 (“Motion” or “Mot.”). The Motion was accompanied by a true, unredacted copy of a settlement agreement (Ex. 2183), and a joint request to treat the settlement 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(b) and 42.74(c) (Paper 59).

The parties represent in their joint motion that they “have settled their dispute” and have “executed a settlement agreement to terminate this *inter partes* review.” Mot. 1. Additionally, the parties state that there are no related *inter partes* review proceedings, and that the related district court cases, *Meda Pharms. Inc. et al v. Apotex Inc.*, 14-1453-LPS (D. Del.), *Meda Pharms. Inc. v. Teva Pharms. USA, Inc.*, 15-785-LPS (D. Del.), *Meda Pharms. Inc. v. Perrigo UK FINCO Ltd. P’ship.*, 16-794 (D. Del.), have also settled. *Id.* at 4–5.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see also* 37 C.F.R. § 42.72. Here, although the Board instituted an *inter partes* review of claims 1, 4–6, 24–26, 29, and 42–44 of U.S. Patent No. 8,168,620 B2, the Board has not heard oral argument and has not decided the merits. Under the circumstances presented here, therefore, we determine that it is appropriate to terminate this proceeding with respect to

both Petitioner and Patent Owner. Accordingly, we grant the parties' joint motion to terminate.

We also determine that the parties have complied with the requirements of 37 C.F.R. § 42.74(c) to have the settlement agreement treated as business confidential information and kept separate from the files of the patent at issue in this proceeding. Thus, we grant the Joint Request to treat the settlement agreement as business confidential.

Accordingly, it is

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

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

FURTHER ORDERED that the instant proceeding is TERMINATED.

IPR2017-00807
Patent 8,168,620 B2

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