

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG BIOEPIS CO., LTD.,
Petitioner,

v.

JANSSEN BIOTECH, INC.,
Patent Owner.

IPR2023-01103
Patent 10,961,307 B2

Before JEFFREY N. FREDMAN, TINA E. HULSE, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

FREDMAN, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
C.F.R. § 42.74

I. INTRODUCTION

With the Board’s authorization, Petitioner and Patent Owner (collectively referred to as “the Parties”) filed a Joint Motion to Terminate Proceeding in the above-identified proceeding due to settlement. Paper 7 (“Joint Motion”). In support of the Joint Motion, the Parties filed a Confidential Settlement and License Agreement (Ex. 1073, “Settlement Agreement”), as well as a Joint Request to File Settlement Agreement as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 6 (“Joint Request”)).

II. DISCUSSION

In the Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of this proceeding, and that the filed copy of the Settlement Agreement is a true and complete copy. Paper 7, 3. The Parties further represent that their Settlement Agreement resolves all currently pending Patent Office and District Court proceedings between the Parties involving the patent-at-issue. *Id.* at 1–2.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that good cause exists to terminate the proceeding with respect to the Parties.

The Parties also filed a Joint Request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patent involved in this proceeding. Paper 6, 1. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we find that the Settlement Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as

business confidential information pursuant to 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, for the reasons discussed above, it is:

III. ORDER

ORDERED that the Joint Motion to Terminate is *granted*, and the proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request to Keep Confidential and Separate is *granted*, and the Settlement Agreement shall be kept separate from the files of U.S. Patent No. 10,961,307 B2 and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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