

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BIOCON BIOLOGICS INC.,  
Petitioner,

v.

JANSSEN BIOTECH, INC.,  
Patent Owner.

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IPR2023-01444  
Patent 10,961,307 B2

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Before JOHN G. NEW, ROBERT A. POLLOCK, and  
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

DECISION

*Granting* Joint Motion to Terminate Prior to Institution of Trial

*Granting* Joint Request to File Settlement Agreement  
as Business Confidential Information

*37 C.F.R. §42.74*

## I. INTRODUCTION

On March 1, 2024, the Parties filed a Joint Motion to Terminate Proceeding. Paper 10 (“the Motion” or “Mot.”). The Motion represents that the parties have entered into a settlement agreement in connection with termination of the proceeding. *See* Mot. 1; Ex. 1073 (“the Settlement Agreement”). The parties further filed a Joint Request that the Settlement Agreement be treated as business confidential information. *See* Paper 11 (“the Joint Request”).

## II. DISCUSSION

The parties aver that termination of this proceeding is justified because the parties “have met the statutory requirement that they file a ‘joint request’ to terminate before the Office ‘has decided the merits of the proceeding,’” and because “termination would save significant further expenditure of resources by the Board and the Parties.” Mot. 2–3 (citing 35 U.S.C. § 317(a)). According to the Motion, the parties have resolved all disputes relating to this proceeding; filed a true and correct copy of the Settlement Agreement; and “there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.” *Id.* at 1, 3 (citing 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b)).

This proceeding is in its early stages. We have not yet decided whether to institute *inter partes* review in this proceeding, and the Motion adequately shows that termination is appropriate. Under these

circumstances, we determine that good cause exists to terminate the proceeding.

The Parties also have requested that the Settlement Agreement be treated as business confidential information and be kept separate from the files of the two challenged patents. Mot. 3. After reviewing the Settlement Agreement, we find that it contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreement as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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

### III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Motion is *granted*, and IPR2023-01444 is *terminated*, pursuant to 37 C.F.R. § 42.74; and

FURTHER ORDERED that the parties' Joint Request 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 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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Patent 10,961,307 B2

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