

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBUS MEDICAL, INC.,
Petitioner,

v.

DEPUY SYNTHES PRODUCTS, LLC,
Patent Owner.

Case IPR2015-00111
Patent 8,623,057 B2

Before WILLIAM V. SAINDON, BENJAMIN D. M. WOOD, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

ORDER
Withdrawing Request for Rehearing
37 C.F.R. §§ 42.5

We decided not to institute an *inter partes* review in this case on May 1, 2015. Paper 15 (“the Decision”). Petitioner filed a Request for Rehearing of the Decision on May 22, 2015. Paper 13 (“the Request for Rehearing”). Additional briefing in connection with the Request for Rehearing followed. Papers 14, 16, 17.

On February 1, 2016, after the parties informed us via e-mail that they had settled their dispute regarding U.S. Patent No. 8,623,057 B2, we authorized Petitioner to file a notice withdrawing the Request for Rehearing. Paper 18. Rather than filing the notice that we authorized, Petitioner filed a paper styled as Petitioner's Unopposed Motion to Withdraw Motion for Rehearing of Decision on Request for Inter Partes Review. Paper 19 ("the Motion"). Petitioner represented that it had contacted Patent Owner's counsel and confirmed that Patent Owner does not oppose the Motion. Paper 19, 1. In the Motion, Petitioner requests that we consider the Request for Rehearing to be withdrawn. *Id.* We treat the Motion as if it were the notice that we authorized in our Order of February 1 because the Motion notifies us and the public that Petitioner has withdrawn the Request for Rehearing.

Because the Request for Rehearing has been withdrawn, Papers 14, 16, and 17 are moot. The time period to request rehearing of the Decision has expired, and no other requests for rehearing are pending. 37 C.F.R. § 42.71(d)(2). Accordingly, our Decision denying institution of an *inter partes* review remains unmodified.

For the reasons given, it is:

ORDERED that our Decision Denying Institution of *Inter Partes* Review remains unmodified.

IPR2015-00111
Patent 8,623,057 B2

PETITIONER:

Michael W. O'Neill
Margaux A. Aviguetero
NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP
GlobusIPR@novakdruce.com

PATENT OWNER:

David R. Bailey
Adam J. Forman
Edward King
BAKER & HOSTETLER LLP
dbailey@bakerlaw.com
aforman@bakerlaw.com
IPR2015-00999@bakerlaw.com