

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTAS PHARMACEUTICALS LTD.,  
Petitioner,

v.

ATOSSA THERAPEUTICS, INC,  
Patent Owner.

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PGR2025-00043  
Patent 12,071,391 B2

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Before SHERIDAN K. SNEDDEN, CHRISTOPHER C. KENNEDY, and  
JAMIE T. WISZ, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

TERMINATION  
Due to Settlement After Institution of Trial  
*35 U.S.C. § 327; 37 C.F.R. § 42.74*

Petitioner (Intas Pharmaceuticals Ltd.) and Patent Owner (Atossa Therapeutics Inc.) (collectively referred to as “the parties”) indicate that they have reached an agreement to settle the above-identified post-grant review proceeding. The Board authorized the parties to file a joint motion to terminate the proceeding on April 22, 2026.

On April 23, 2026, pursuant to 37 C.F.R. § 42.74 and 35 U.S.C. § 327(a), the parties filed a Joint Motion to Terminate the above-identified proceeding (Paper 41 (“Joint Motion”)) and a Joint Request to treat the settlement agreement as business confidential information and to keep said settlement agreement separate from the public file (Paper 42 (“Joint Request”)), along with a copy of the confidential settlement agreement (Ex. 1038 (“Settlement Agreement”)). The parties represent that the Settlement Agreement is “a true and correct copy” of the settlement agreement by which the parties have settled this proceeding, all related litigation, and all related proceedings before the Patent Office. Paper 41. The parties also request that the concurrently filed Settlement Agreement (Ex. 1038) be treated as business confidential information, and be kept separate from the file of the involved patent and kept separate from the files of this proceeding. Paper 41, 2; Paper 42, 1.

Under 35 U.S.C. § 327(a), “[a] post-grant review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 327(a) also provides that if no petitioner remains in the post-grant review, the Office may terminate the review. We have not yet decided the merits of this proceeding, and a final written decision has not been

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entered. Because this proceeding has not yet advanced to a stage where an oral hearing has been held, we determine that it is appropriate to terminate the proceeding. After reviewing the Settlement Agreement between Petitioner and Patent Owner, we determine that good cause exists to treat the Settlement Agreement between Petitioner and Patent Owner as business confidential information pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c).

We accordingly determine that it is appropriate to terminate this proceeding without rendering a Final Written Decision as to the patentability of the challenged claims of U.S Patent 12,071,391 B2, and *grant* the Joint Motion and Joint Request.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 328(a).

Accordingly, it is:

ORDERED that the Joint Motion to Terminate (Paper 41) is *granted*, and PGR2025-00043 is hereby *terminated* as to all parties;

FURTHER ORDERED that the Joint Request (Paper 42) to treat the Settlement Agreement (Exhibit 1038) as business confidential information is *granted*, and the Settlement Agreement (Exhibit 1038) shall be kept separate from the files of the above-identified proceeding and from the file of U.S. Patent 12,071,391 B2, under the provisions of 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that the filed Settlement Agreement (Exhibit 1038) remain designated as “Parties and Board Only.”

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