

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC.,
Petitioner

v.

RFCyber Corp.,
Patent Owner

U.S. Patent No. 9,240,009
IPR2021-00956

**JOINT MOTION TO TERMINATE
PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.74**

Pursuant to 37 C.F.R § 42.74 and the authorization provided by the Board on October 18, 2021, Petitioner Google LLC (“Petitioner”) and Patent Owner RFCyber Corp. (“Patent Owner”) jointly request termination of this proceeding, IPR2021-00956, directed to Patent No. 9,240,009 (“the ’009 patent”).

Petitioner and Patent Owner have settled their dispute regarding the ’009 patent, including both this proceeding and Patent Owner’s assertion of the ’009 patent in the related district court litigation, *RF Cyber Corp. v. Google LLC and Google Payment Corp.*, Case No. 2:20-cv-00274-JRG (E.D. Tex.). The parties do not anticipate further litigation between them concerning the ’009 patent. There are no related proceedings between the parties currently before the Board.

Good cause exists to terminate this proceeding because the parties have settled their dispute regarding the ’009 patent and the proceeding is still at an early stage. Terminating the proceeding now would thus serve the interests of judicial economy as well as the mutual interest of the parties.

A true and correct copy of the parties’ settlement agreement will be filed as GOOG-1043, along with a joint motion to treat the settlement agreement as business confidential information.

Respectfully submitted,

Dated: October 19, 2021

/Andrew S. Ehmke/
Andrew S. Ehmke
Registration No. 50,271
Lead Counsel for Petitioner

/Vincent J. Rubino, III/
Vincent J. Rubino, III
Registration No. 68,594
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e)(4), that service was made on Patent Owner as detailed below.

Date of service October 19, 2021

Manner of service Electronic Service: vrubino@fabricantllp.com;
 plambrianakos@fabricantllp.com;
 ffabricant@fabricantllp.com;
 eiturralde@fabricantllp.com;
 rcowell@fabricantllp.com
 ptab@fabricantllp.com

Documents served **Joint Motion to Terminate, GOOG-1043**

Persons served Vincent J. Rubino, III
 Peter Lambrianakos
 Alfred R. Fabricant (subject to motion to appear *pro hac vice*)
 Enrique W. Iturralde
 Richard Cowell
 FABRICANT LLP
 411 Theodore Fremd Road, Suite 206 South
 Rye, New York 10580

Respectfully submitted,

/Andrew S. Ehmke/
Andrew S. Ehmke
Registration No. 50,271
Lead Counsel for Petitioner