

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

IPR2022-00478 (Patent 10,367,370 B2)
IPR2022-00603 (Patent 10,804,740 B2)
IPR2022-00643 (Patent 10,193,392 B2)
IPR2022-00683 (Patent 7,825,537 B2)¹

Before JAMESON LEE, KARL D. EASTHOM, BRIAN J. McNAMARA,
KRISTINA M. KALAN, and MICHELLE N. WORMMEESTER,
*Administrative Patent Judges.*²

EASTHOM, *Administrative Patent Judge.*

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

¹ This Order addresses the same issue for the above-identified proceedings. The parties must obtain prior authorization to use this heading style.

² This is not an expanded panel. Judges Wormmeester, Kalan, and McNamara are on the panel for IPR2022-00478. Judges McNamara, Lee, and Easthom are the panel for IPR2022-00603. Judges Kalan, McNamara, and Wormmeester are on the panel for IPR2022-00643. Judges Easthom, Lee, and Kalan are the panel for IPR2022-00683.

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I. INTRODUCTION

On September 1, 2022, with the Board’s authorization, Google LLC (“Petitioner”) and Scramoge Technology Ltd. (“Patent Owner”) (collectively, “the parties”) filed a Joint Motion to Terminate (“Joint Motion”) in each of the above-identified proceedings due to settlement of the parties’ disputes. Paper 12 (“Joint Motion”).³ With the Joint Motion, the parties filed, in each of the above-identified proceedings, a copy of their Settlement Agreement (Ex. 1035) that resolves the disputes between the parties related to the above-identified proceedings. Joint Motion 1. The parties also filed, in each of the above-identified proceedings, a Joint Request to Keep Separate that requests the Board to treat the Settlement Agreement as business confidential information and to keep it separate from the publicly available files in the above-identified proceedings. Paper 13 (“Joint Request”), 1.

II. DISCUSSION

In the Joint Motion, the parties represent that they have reached an agreement to seek termination of the above-identified *inter partes* review proceedings under 37 C.F.R. § 42.74. Joint Motion 1. The parties indicate that “a true copy of the Parties’ settlement agreement (including any other related agreement between the Parties) has been filed as Exhibit 1035.” *Id.*

³ References are to Papers and Exhibits in IPR2022-00478; however, reference to Papers 12 (or Joint Motion) and 13 (or Joint Request) include Papers 6 and 7 in IPR2022-00603, Papers 12 and 13 in IPR2022-00643, and Papers 11 and 12 in IPR2022-00683, respectively. Reference to Exhibit 1035 (or Settlement Agreement) includes Exhibit 1017 in IPR2022-00603, Exhibit 1012 in IPR2022-00643, and Exhibit 1020 in IPR2022-00683, respectively.

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The parties also certify “[t]here are no other collateral agreements or understandings, oral or written, between the parties made in connection with, or in contemplation of, the termination of [these proceedings].” *Id.* at 3.

The Joint Motion and Settlement Agreement collectively show that the parties represent that they filed all agreements between themselves, including all collateral agreements referred to, made in connection with, or in contemplation of, the termination of these proceedings.

The above-identified proceedings are at an early stage, and we have not yet decided whether to institute a trial in the above-identified proceedings. In view of the early stage of the above-identified proceedings, and the settlement between the parties, we determine that good cause exists to dismiss the petitions and terminate the above-identified proceedings with respect to the parties.

Further, 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 the parties as business confidential information and to keep it separate from the files of the patent in the above-identified proceedings 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).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion is *granted* and these proceedings are terminated;

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FURTHER ORDERED that the Petition in each proceeding is *dismissed*; and

FURTHER ORDERED that the Joint Request is *granted*, and that the Settlement Agreement shall be kept separate from the files of the above-listed patents, 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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PETITIONER:

Naveen Modi
Joseph Palys
Phillip Citroen
Paul Anderson
Quadeer Ahmed
PAUL HASTINGS LLP
naveenmodi@paulhastings.com
josephpalys@paulhastings.com
phillipcitroen@paulhastings.com
paulanderson@paulhastings.com
quadeerahmed@paulhastings.com

PATENT OWNER:

Brett Cooper
Reza Mirzaie
RUSS, AUGUST & KABAT
bcooper@raklaw.com
rmirzaie@raklaw.com