

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC

Petitioner,

v.

JAWBONE INNOVATIONS LLC,

Patent Owner.

Case IPR2022-01124

U.S. Patent No. 11,122,357

JOINT MOTION TO TERMINATE PROCEEDINGS

LIST OF EXHIBITS

Exhibit No.	Description of Document
2001	First Amended Complaint for Patent Infringement, <i>Jawbone Innovations, LLC v. Google LLC</i> , No. 6:21-cv-00985-ADA, Dkt. 23 (W.D. Tex. Dec. 23, 2021)
2002	Order Denying Motion to Stay, <i>Jawbone Innovations, LLC v. Google LLC</i> , No. 6:21-cv-00985-ADA, Dkt. 201 (W.D. Tex. Sept. 21, 2022)
2003	Order Resetting Markman Hearing, <i>Jawbone Innovations LLC v. Google LLC</i> , No. 6:21-cv-00985-ADA, Dkt. 81 (W.D. Tex. Sep. 21, 2022)
2004	Plaintiff's Disclosure of Asserted Claims and Infringement Contentions in <i>Jawbone Innovations, LLC v. Google LLC</i> , No. 6:21-cv-00985-ADA, dated January 13, 2022
2005	Defendant Google LLC's Preliminary Invalidity Contentions in <i>Jawbone Innovations, LLC v. Google LLC</i> , No. 6:21-cv-00985-ADA, dated April 6, 2022
2006	Docket Entry for Order denying Google LLC's Motion to Transfer in <i>Jawbone Innovations, LLC v. Google LLC</i> , No. 6:21-cv-00985-ADA, dated October 7, 2022
2007	Transcript of the deposition of Jeffrey S. Vipperman, Ph.D., taken March 29, 2023
2008	Transcript of the deposition of Jeffrey S. Vipperman, Ph.D., taken February 20, 2023
2009	Declaration of Andrew P. DeJaco, dated April 17, 2023
2010	Curriculum Vitae of Andrew P. DeJaco
2011	Transcript of the deposition of Jeffrey S. Vipperman, Ph.D., taken April 3, 2023
2012	Sound Fields: Free versus Diffuse Field, Near versus Far Field, July 29, 2020
2013	Pulakka, Hannu, et al., Low-Frequency Bandwidth Extension of Telephone Speech Using Sinusoidal Synthesis and Gaussian Mixture Model, Interspeech 2011
2014	Microsoft Windows, Microphone Array Support in Windows, April 21, 2014, Revision

Exhibit No.	Description of Document
2015	Transcript of the deposition of Jeffrey S. Vipperman, Ph.D., taken March 6, 2023
2016	Confidential Settlement Agreement
2017	Confidential Release

I. PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 317(a), Petitioner Google LLC (“Petitioner”) and Patent Owner Jawbone Innovations, LLC (“Patent Owner”) jointly request that this *inter partes* review proceeding involving U.S. Patent No. 11,122,357 (“the ’357 patent”) be terminated based on an agreement between Petitioner and Patent Owner (“the Parties”).

Patent Owner and Petitioner have entered into an agreement which resolves the disputes in the above-captioned *inter partes* review relating to U.S. Patent No. 11,122,357. Petitioner and Patent Owner have settled their dispute regarding the ’357 patent, including both this proceeding and Patent Owner’s assertion of the ’357 Patent in the related district court litigation, *Jawbone Innovations, LLC v. Google LLC*, Case No. 3:23-cv-00466-TLT (N.D. Cal.). Patent Owner filed a stipulation of dismissal, with prejudice, in the related district court action on July 25, 2023. Petitioner and Patent Owner submit a true copy of that confidential agreement in its entirety, filed herewith as Exhibit 2016. Petitioner and Patent Owner further submit a true copy of a confidential release signed by the Parties, filed herewith as Exhibit 2017. The Parties do not anticipate any further litigation between them concerning the ’357 patent. There are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.

II. REASONS FOR GRANTING THE MOTION

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding. *See, e.g.*, Consolidated Trial Practice Guide, 86 (Nov. 2019). The Board's policy is in accord with the governing statute, which states that "An inter partes 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. § 317(a). The Board has not decided the merits of this proceeding.

The Board authorized filing of the instant motion on July 24, 2023. Guidance as to the content of a motion to terminate is provided in *Apotex Cop. v. Alcon Research, Ltd.*, IPR2013-00428, Paper No. 56. There, the Board indicated that a joint motion, such as this one, should (a) include a brief explanation as to why termination is appropriate; (b) identify all parties in any related litigation involving the patent at issue; (c) identify any related proceedings currently before the Office; and (d) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding. *Id.* at 2. This motion satisfies each of the above requirements.

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