

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2022-01027 (Patent 8,467,543 B2)
IPR2022-01124 (Patent 11,122,357 B2)

Before GEORGIANNA W. BRADEN, NORMAN H. BEAMER, STEVEN
M. AMUNDSON, and JASON M. REPKO, *Administrative Patent Judges*.¹

BEAMER, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ This is not an expanded panel. A three-judge panel is assigned to each proceeding.

IPR2022-01027 (Patent 8,467,543 B2)
IPR2022-01124 (Patent 11,122,357 B2)

With the Board's authorization, Petitioner and Patent Owner filed, in each of the captioned proceedings, a Joint Motion to Terminate. Paper 22.² The parties also filed their confidential agreements (IPR2022-01027, Exs. 2006, 2007; IPR2022-01124, Exs. 2016, 2017) and a Joint Motion to File the Agreement as Business Confidential Information (Paper 21).

The parties represent that they have settled their dispute in these proceedings and in the related district-court litigation and they filed true copies of their agreement in its entirety. Paper 22, 1. The parties also represent that there are no other agreements between them made in connection with or in contemplation of the termination of these proceedings. *Id.* at 6. According to the parties, the agreements that they filed contain confidential information under the Board's rules. Paper 21, 1 (citing 37 C.F.R. § 42.54).

The parties assert that these proceedings should be terminated because (1) the Board has not decided the merits, (2) the parties have settled their dispute, and (3) the parties jointly request termination. Paper 22, 3. We agree that termination is appropriate for all those reasons. *See Consolidated Trial Practice Guide*, 86 (Nov. 2019) ("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.").³

² Similar motions were filed in both proceedings. *See* IPR2022-01027 Paper 21 (Joint Motion to File Agreement as Business Confidential), Paper 22 (Joint Motion to Terminate); IPR2022-01124, Paper 23 (Joint Motion to File Agreement as Business Confidential Information), Paper 24 (Joint Motion to Terminate). For brevity, citations in this order are to the papers in IPR2022-1027.

³ *Available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2022-01027 (Patent 8,467,543 B2)
IPR2022-01124 (Patent 11,122,357 B2)

We also agree that the agreements filed in each proceeding contain confidential information under the Board's rules. *See* IPR2022-01027, Exs. 2006, 2007; IPR2022-01124, Exs. 2016, 2017. So they should be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

This Order does not constitute a final written decision under 35 U.S.C. § 318(a).

ORDER

It is

ORDERED that the parties' Joint Motions to Terminate the Proceedings (IPR2022-01027, Paper 22; IPR2022-01124, Paper 24) are *granted*;

FURTHER ORDERED that the parties' Joint Motions to File the Agreement as Business Confidential Information (IPR2022-01027, Paper 21; IPR2022-01124, Paper 23) are *granted* and the parties' confidential agreements (IPR2022-01027, Exs. 2006, 2007; IPR2022-01124, Exs. 2016, 2017) shall be treated as business confidential information and be kept separate from the files of the respective challenged patents, U.S. Patent No. 8,467,543 B2 and U.S. Patent No. 11,122,357 B2, and made available only under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that these proceedings are terminated.

IPR2022-01027 (Patent 8,467,543 B2)
IPR2022-01124 (Patent 11,122,357 B2)

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