

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. 10,600,046
PGR2021-00028

**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, PGR2021-00028, directed to Patent No. 10,600,046 (“the ’046 patent”).

Petitioner and Patent Owner have settled their dispute regarding the ’046 patent, including both this proceeding and Patent Owner’s assertion of the ’046 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 ’046 patent. The parties are also requesting termination of the related proceeding in PGR2021-00029. There are no other related proceedings currently before the Board.

Good cause exists to terminate this proceeding because the parties have settled their dispute regarding the ’046 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-1051, 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
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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;
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Documents served **Joint Motion to Terminate, GOOG-1051**

Persons served Vincent J. Rubino, III
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Respectfully submitted,

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