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Paper 10
Entered: January 19, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

HUMAN DIFFERENTIAL INTELLIGENCE, LLC,
Patent Owner.

IPR2020-01611
Patent 9,192,861 B2

Before JAMES J. MAYBERRY, KARA L. SZPONDOWSKI, and STEPHEN E. BELISLE, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner (collectively "the Parties") filed a Joint Motion to Terminate Proceeding. Paper 7 ("Joint Motion"). In support of the Joint Motion, the Parties filed copies of a Settlement and License Agreement (Ex. 2001) and a Stipulation Regarding Google Products (Ex. 2002) (collectively, "the Settlement Agreement"), as well as a Joint Request to File Settlement Agreement as Business Confidential Information, pursuant to 37 C.F.R. § 42.74(c) (Paper 8 ("Joint Request")).

II. DISCUSSION

In the Joint Motion, the Parties represent that they "have settled their dispute regarding U.S. Patent No. 9,192,861, including both this proceeding and Patent Owner's assertion of U.S. Patent No. 9,192,861 in the district court litigations." Joint Motion 2. The Parties further represent that the Settlement Agreent is "[a] true and correct copy of the parties' settlement agreement." *Id.* at 3.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial in the proceeding. In view of the early stage of the proceeding and the settlement between the Parties, we determine that good cause exists to dismiss the petition and terminate this proceeding with respect to the Parties.

In the Joint Request, the Parties request that the Settlement Agreement be treated as business confidential information and be kept separate from the file of the patent involved in this proceeding. Joint Request 3. After reviewing the Settlement Agreement between Petitioner and Patent Owner,

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 Petitioner and Patent Owner as business confidential information 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 the petition in IPR2020-01611 is dismissed and this proceeding is *terminated*; and

FURTHER ORDERED that the Joint Request is *granted*, and the Settlement Agreement shall be kept separate from the file of Patent 9,192,861 B2, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

FOR PETITIONER:

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