

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

FUBOTV MEDIA, INC., and WORLD WRESTLING  
ENTERTAINMENT, INC.,  
Petitioner,

v.

SITO MOBILE R&D IP, LLC and SITO MOBILE, LTD.,  
Patent Owner.

---

IPR2022-01041 (Patent 9,756,362 B2)  
IPR2022-01042 (Patent 9,380,088 B2)  
IPR2022-01044 (Patent 7,689,706 B2)  
IPR2022-01046 (Patent 9,350,777 B2)  
IPR2022-01047 (Patent 7,054,979 B2)<sup>1</sup>

---

Before THOMAS L. GIANNETTI, JO-ANNE M. KOKOSKI, and  
MICHAEL T. CYGAN, *Administrative Patent Judges*.

KOKOSKI, *Administrative Patent Judge*.

TERMINATION

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

---

<sup>1</sup> This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be entered in each proceeding. The parties are not authorized to use a multiple-case caption.

IPR2022-01041 (Patent 9,756,362 B2)  
IPR2022-01042 (Patent 9,380,088 B2)  
IPR2022-01044 (Patent 7,689,706 B2)  
IPR2022-01046 (Patent 9,350,777 B2)  
IPR2022-01047 (Patent 7,054,979 B2)

## I. INTRODUCTION

On June 28, 2023, with the Board’s authorization, Petitioners fuboTV Media Inc. and World Wrestling Entertainment, Inc. and Patent Owner SITO Mobile R&D IP, LLC and SITO Mobile, Ltd. (collectively referred to as “the Parties”) filed a Joint Motion to Terminate each of the above-identified proceedings due to settlement. Paper 17 (“Joint Motion”).<sup>2</sup> In support of the Joint Motions, the Parties filed Settlement Agreements (Ex. 2001; Ex. 2002 (collectively, “Settlement Agreements”)), as well as Joint Requests that the Settlement Agreements be Treated as Business Confidential Information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 18 (“Joint Request”)).

## II. DISCUSSION

Under 35 U.S.C. § 317(a), “[a]n *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.” Section 317(a) also provides that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

In the Joint Motion, the Parties represent that they have settled their disputes and reached an agreement to jointly seek termination of these *inter partes* review proceedings, and that the filed copies of the Settlement

---

<sup>2</sup> We cite to papers and exhibits filed in IPR2022-01041, unless otherwise indicated. Corresponding papers and exhibits were filed in all the identified proceedings.

IPR2022-01041 (Patent 9,756,362 B2)  
IPR2022-01042 (Patent 9,380,088 B2)  
IPR2022-01044 (Patent 7,689,706 B2)  
IPR2022-01046 (Patent 9,350,777 B2)  
IPR2022-01047 (Patent 7,054,979 B2)

Agreements are true copies. Joint Motion 1–2. The Parties further represent that “there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination” of the above-identified proceedings. *Id.* at 1.

We instituted trial in these proceedings on December 5, 2022.

Paper 8. Patent Owner has not yet filed Responses to the Petitions, we have not yet decided the merits of the proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have shown adequately that termination is appropriate. Under these circumstances, we determine that good cause exists to terminate each proceeding with respect to the Parties.

The Parties also filed a Joint Request that the Settlement Agreements be treated as business confidential information and be kept separate from the file of the involved patent in each of the above-identified *inter partes* review proceedings. Paper 18, 1. After reviewing the Settlement Agreements between the Parties, we find that they contain confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Settlement Agreements as business confidential information pursuant to 35 U.S.C. § 317(b) and 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 Motions to Terminate are *granted*, and

IPR2022-01041 (Patent 9,756,362 B2)  
IPR2022-01042 (Patent 9,380,088 B2)  
IPR2022-01044 (Patent 7,689,706 B2)  
IPR2022-01046 (Patent 9,350,777 B2)  
IPR2022-01047 (Patent 7,054,979 B2)

IPR2022-01041, IPR2022-01042, IPR2022-01044, IPR2022-01046, and IPR2022-01047 are *terminated* with respect to Petitioners and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Requests that the Settlement Agreements be Treated as Business Confidential Information are *granted*, and the Settlement Agreements shall be kept separate from the files of Patent 9,756,362 B2, Patent 9,380,088 B2, Patent 7,689,706 B2, Patent 9,350,777 B2, and Patent 7,054,979 B2, 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).

IPR2022-01041 (Patent 9,756,362 B2)  
IPR2022-01042 (Patent 9,380,088 B2)  
IPR2022-01044 (Patent 7,689,706 B2)  
IPR2022-01046 (Patent 9,350,777 B2)  
IPR2022-01047 (Patent 7,054,979 B2)

FOR PETITIONER:

William M. Fink  
Amy Liang  
Ben Haber  
O'MELVENY & MYERS LLP  
tfink@omm.com  
aliang@omm.com  
bhaber@omm.com

FOR PATENT OWNER:

Jason S. Charkow  
Kevin H. Sprenger  
Chandran B. Iyer  
Stephanie R. Mandir  
DAIGNAULT IYER LLP  
jcharkow@daignaultiyer.com  
ksprenger@daignaultiyer.com  
cbiyer@daignaultiyer.com  
smandir@daignaultiyer.com