

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SINGULAR COMPUTING LLC,
Patent Owner.

IPR2023-00395
Patent 10,754,616 B1

Before JAMESON LEE, KEN B. BARRETT, and JASON M. REPKO,
Administrative Patent Judges.

BARRETT, *Administrative Patent Judge.*

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

On July 25, 2023, we instituted an *inter partes* review of claims 1–5, 7–14, 16–22, and 24 of U.S. Patent No. 10,754,616 B1 (“the ’616 patent,” Ex. 1001). Paper 8. On March 7, 2024, with our authorization, Petitioner Google LLC and Patent Owner Singular Computing LLC (collectively, “the Parties”) filed a Joint Motion to Terminate Proceeding. Paper 16 (“Mot.” or “Motion”). The Parties represent in the Motion that they “have settled their dispute regarding the ’616 patent, including both this proceeding and Patent Owner’s assertion of the ’616 patent in the related district court litigation, Civil Action No. 1:19-cv-12551 FDS (D. Mass.),” and that “[t]he parties do not anticipate further litigation between them concerning the ’616 patent.” Mot. 1. The Motion was accompanied by a document (Ex. 1140) that the Parties represent to be “[a] true and correct copy of the parties’ settlement agreement in writing.” *Id.*

The Parties also filed, with our authorization, a Joint Motion for Settlement Agreement to be Treated as Business Confidential Information and Kept Separate Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). Paper 17.

The Board generally expects that a case “will terminate after the filing of a settlement agreement, unless the Board has already decided the merits.” Patent Trial and Appeal Board Consolidated Trial Practice Guide 86 (Nov. 2019), *available at* <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>; *see* 37 C.F.R. § 42.72. This proceeding is at a sufficiently early stage where Petitioner has yet to file a reply and we have not rendered a final decision on the merits. Under the circumstances presented here, we determine that it is appropriate to terminate this proceeding with respect to

both Petitioner and Patent Owner. Accordingly, we grant the Parties' Motion to Terminate the proceeding.

We also determine that it is appropriate to treat the settlement agreement as business confidential information and to keep that document separate from the file of the challenged patent, pursuant to 37 C.F.R. § 42.74(c). Thus, we grant the Parties' joint request to treat the settlement agreement as business confidential information.

"The Parties further request that if any person requests access to Exhibit 1140, that the Parties be given notice and an opportunity to oppose the showing of good cause before Exhibit 1140 is made available to such person." Paper 17, 1. The statute, however, does not provide for any such notification or opportunity to respond. *See* 35 U.S.C. § 317(b). Nor does the regulation. *See* 37 C.F.R. § 42.74(c). Also, we see no persuasive reason or special circumstance here that would justify issuing an order that imposes these additional requirements. Thus, we deny that part of the parties' joint request.

Accordingly, it is

ORDERED that the Joint Motion to Terminate Proceeding is *granted*;

FURTHER ORDERED that this proceeding is *terminated*;

FURTHER ORDERED that the Joint Motion for Settlement Agreement to be Treated as Business Confidential Information and Kept Separate Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted-in-part*, and *denied-in-part*, as explained above; and

FURTHER ORDERED that Exhibit 1140 is to be kept separate from the file of the involved U.S. Patent No. 10,754,616 B1 under the provisions of 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

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Patent 10,754,616 B1

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