

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC and AMAZON.COM, INC.,¹
Petitioners,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2022-01060, IPR2022-01061²
Patent 8,503,691 B2

AMAZON.COM, INC.,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2023-00559, IPR2023-00561
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¹ Amazon.com, Inc. filed petitions in IPR2023-00559 and IPR2023-00561, and these cases have been joined to IPR2022-01060, IPR2022-01061.

² This order addresses issues common to all captioned proceedings.

IPR2022-01060, IPR2022-01061
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Before GEORGIANNA W. BRADEN, SHEILA F. McSHANE, and
JASON M. REPKO, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

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

IPR2022-01060, IPR2022-01061
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With the Board's authorization, Petitioners Google LLC and Amazon.com, Inc. and Patent Owner filed, in IPR2022-01060 and IPR2022-01061, Joint Motions to Terminate as to each of the respective Petitioners. IPR2022-01060, Papers 27, 28.³ Petitioner Google LLC and Patent Owner also filed their confidential agreements (IPR2022-01060, Exs. 2014, 2015)⁴ and a Joint Motion to File the Agreement as Business Confidential Information (IPR2022-01060, Paper 26).⁵

With the Board's authorization, Petitioner Amazon.com, Inc. and Patent Owner filed, in IPR2023-00559 and IPR2023-00561, Joint Motions to Terminate. IPR2022-00559, Paper 12.⁶ Petitioner Amazon.com, Inc. and Patent Owner also filed their confidential agreements (IPR2023-00559, Exs. 2001, 2002) and a Joint Motion to File the Agreement as Business Confidential Information (IPR2023-00559, Paper 11) in IPR2023-00559 and IPR2023-00561.⁷

Petitioner Google LLC and Patent Owner 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 in IPR2022-01060 and IPR2022-01061. IPR2022-01060, Paper 27, 1.

³ Similar motions were filed in both the IPR2022-01060 and IPR2022-01061 proceedings and assigned the same paper numbers.

⁴ The agreements were assigned the same exhibit number in each case.

⁵ Similar motions were filed in both proceedings and assigned the same paper numbers.

⁶ Similar motions were filed in both the IPR2023-00559 and IPR2023-00561 proceedings and assigned the same paper numbers.

⁷ Similar motions and exhibits were filed in both proceedings and assigned the same respective paper and exhibit numbers.

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Amazon.com, Inc. and Patent Owner made similar representations in the motions filed in IPR2023-00559 and IPR2023-00561. IPR2023-00559, Paper 12, 1. The parties represent that there are no other agreements between them made in connection with or in contemplation of the termination of these proceedings. IPR2022-01060, Paper 27, 1–2, 6; IPR2023-00559, Paper 12, 1–2, 6. According to the parties, the agreements that they filed contain confidential information under the Board’s rules. IPR2022-01060; Paper 26, 1; IPR2023-00559, Paper 11, 1 (citing 37 C.F.R. § 42.54).

Petitioners Google LLC and Amazon.com, Inc. and Patent Owner assert that these proceedings should be terminated because (1) oral argument has not been held, (2) the Board has not decided the merits, (3) the parties have settled their dispute, and (4) the parties jointly request termination. IPR2022-01060, Paper 27, 3, Paper 28, 3; IPR2023-00559, Paper 12, 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.”).⁸

We also agree that the agreements filed in IPR2022-01060 and IPR2022-01061 by Petitioner Google LLC and Patent Owner contain confidential information under the Board’s rules. *See* IPR2022-01060, Exs. 2014, 2015. And we agree that the agreements filed in IPR2023-00559 and IPR2023-00561 by Petitioner Amazon.com, Inc. and Patent Owner contain confidential information under the Board’s rules. *See* IPR2023-

⁸ *Available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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00559, Exs. 2001, 2002. So all the agreements 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 Joint Motions to Terminate the Proceedings in IPR2022-01060 and IPR2022-01061 (Papers 27 and 28 in both cases) and IPR2023-00559 and IPR2023-00561 (Paper 12 in both cases) are *granted*;

FURTHER ORDERED that the Joint Motions to File the Agreements as Business Confidential Information in IPR2022-01060 and IPR2022-01061 (Paper 26 in both cases) and IPR2023-00559 and IPR2023-00561 (Paper 11 in both cases) are *granted* and the parties' confidential agreements (Exs. 2014 and 2015 in IPR2022-01060 and IPR2022-01061 and Exs. 2001 and 2002 in IPR2023-00559 and IPR2023-00561) shall be treated as business confidential information and be kept separate from the files of the challenged patent 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.

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