

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

LS CLOUD STORAGE TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2023-00777
Patent 6,549,988 B1

Before NEIL T. POWELL, ARTHUR M. PESLAK, and
KRISTI L. R. SAWERT, *Administrative Patent Judges*.

SAWERT, *Administrative Patent Judge*.

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

I. INTRODUCTION

With the Board’s authorization, Google LLC (“Petitioner”) and LS Cloud Storage Technologies, LLC (“Patent Owner”) filed a Joint Motion to Terminate Proceeding and Joint Request to Treat Settlement and License Agreement as Business Confidential Information to be Kept Separate in the above-identified *inter partes* review proceeding. Paper 10 (“Joint Motion/Request”). In support of the Joint Motion/Request, Petitioner and Patent Owner filed a copy of a Settlement and License Agreement. Ex. 1034 (“Settlement Agreement”).

II. DISCUSSION

In the Joint Motion/Request, Petitioner and Patent Owner represent that they have reached an agreement to jointly seek termination of the above-identified *inter partes* review proceeding, and that the filed copy of the Settlement Agreement is a true copy. Paper 10, 1; *see also* 37 C.F.R. § 42.74(b) (requiring a “true copy” of any agreement to be filed with the Board). Petitioner and Patent Owner also represent that “there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceedings.” Paper 10, 1–2; *see also* 37 C.F.R. § 42.74(b) (requiring “[a]ny agreement or understanding between the parties” to be filed with the Board (emphasis added)). The Joint Motion/Request and Settlement Agreement indicate that all currently pending disputes between Petitioner and Patent Owner involving the above-identified patent at issue have been settled. Paper 10, 1; Ex. 1034, 1.

We issued a decision to institute trial on November 21, 2023, Paper 7, and so this proceeding is at an early stage. In view of the early stage of the

proceeding and the settlement between Petitioner and Patent Owner, which resolves all proceedings involving them and the above-identified patent, we determine that good cause exists to terminate the proceeding.

The parties' Joint Motion/Request asks that the Settlement Agreement be treated as business confidential information, be kept separate from the files of the patent involved in this *inter partes* review proceeding, and not be made available except to Federal Government agencies on written request or to others only on a showing of good cause. Paper 10, 2. 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 to Terminate Proceeding and Joint Request to Treat the Parties' Settlement Agreement as Business Confidential Information and Be Kept Separate is *granted*;

FURTHER ORDERED that the proceeding is *terminated*; and

FURTHER ORDERED that the Confidential Settlement Agreement (Ex. 1034) shall be kept separate from the file of U.S. Patent 6,549,988 B1, shall also remain designated as available only to the "Parties and Board" in the P-TACTS system, and shall be made available only to Federal

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Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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