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Paper 24
Date: May 31, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
META PLATFORMS TECHNOLOGIES, LLC, and
TWISTED PIXEL GAMES, LLC,
Petitioner,

v.

EIGHT KHZ, LLC,
Patent Owner.

IPR2023-01022
Patent 11,172,316 B2

Before JUSTIN T. ARBES, LYNNE H. BROWNE, and
SCOTT RAEVSKY, *Administrative Patent Judges.*

BROWNE, *Administrative Patent Judge*.

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

The parties filed a joint motion to terminate the instant proceeding on the basis of a settlement reached by the parties. *See* Paper 21 ("Mot."); 35 U.S.C. § 317(a); 37 C.F.R. §§ 42.72, 42.74. The parties also filed a copy of their written settlement agreement (Exhibit 1145), along with a joint request (Paper 22) to treat the agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The instant proceeding is still at an early stage, as a trial was instituted on January 9, 2024, and Patent Owner has not yet filed its Response. In the joint motion to terminate, the parties represent that they "have settled their larger dispute concerning [the challenged patent], including in the district court litigation between the parties." Mot. 2. The parties further state that they filed a "true and correct copy" of their settlement agreement and "there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding." *Id.* at 3. Under these circumstances, we determine that it is appropriate to terminate the instant proceeding without rendering any further decisions.

In consideration of the foregoing, it is hereby:

ORDERED that the parties' request that the settlement agreement (Exhibit 1145) be treated as business confidential information, kept separate from the file of U.S. Patent No. 11,172,316 B2, and made available only to Federal Government agencies on written request, or to any person on a showing of good cause, under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), is *granted*; and

FURTHER ORDERED that the joint motion to terminate is *granted* and the proceeding is hereby *terminated.*

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