

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2023-01074
Patent 8,321,213 B2

Before GEORGIANNA W. BRADEN, NORMAN H. BEAMER, and
JASON M. REPKO, *Administrative Patent Judges*.

REPKO, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

I. INTRODUCTION

With the Board's authorization, Petitioner and Patent Owner filed a Joint Motion that requests termination of this proceeding. Paper 9 ("Motion" or "Mot."). Along with the Motion, the parties filed copies of their confidential agreements (Exs. 2001, 2002) and a Joint Request that the Settlement Agreements be treated as business confidential information and kept separate from the file of U.S. Patent No. 8,321,213 B2 ("the '213 patent") (Paper 8).

II. DISCUSSION

According to the parties, the agreements resolve the parties' disputes involving the '213 patent, and Exhibits 2001 and 2002 are true copies of the agreements or understanding made in connection with, or in contemplation of, the termination of the proceeding. *See* Mot. 1, 6. The proceeding is at an early stage, and we have not yet decided whether to institute. Thus, we determine that good cause exists to grant the Motion and terminate the proceeding.

The parties request that their agreements be treated as business confidential information and kept separate from the file of the '213 patent. Paper 8, 1–2. We agree that the agreements contain confidential business information about the settlement terms. Thus, good cause exists to treat the agreements as business confidential information under 37 C.F.R. § 42.74(c), and we grant the request.

This Order does not constitute a final written decision under 35 U.S.C. § 318(a).

III. ORDER

It is

ORDERED that the Joint Motion to Terminate (Paper 9) is *granted*;

FURTHER ORDERED that the Joint Motion to File the Agreement as Business Confidential Information (Paper 8) is *granted* and the agreements (Exs. 2001, 2002) shall be treated as business confidential information and be kept separate from the files of the '213 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 this proceeding is *terminated*.

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