

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2023-01131 (Patent 8,326,611 B2)
IPR2023-01132 (Patent 8,326,611 B2)¹

Before GEORGIANNA W. BRADEN, NORMAN H. BEAMER, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

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

¹ This Order addresses issues that are the same in both proceedings.

With the Board’s authorization, Petitioner and Patent Owner filed, in each of the captioned proceedings, a Joint Motion to Terminate. Paper 8.² The parties also filed their confidential agreements in the respective cases (IPR2023-01131, Exs. 2001, 2002; IPR2023-01132, Exs. 2001, 2002) and a Joint Motion to File the Agreement as Business Confidential Information (Paper 7).

The parties 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. Paper 8, 1. The parties also represent that there are no other agreements between them made in connection with or in contemplation of the termination of these proceedings. *Id.* at 1, 5–6. According to the parties, the agreements that they filed contain confidential information under the Board’s rules. Paper 7, 1.

The parties assert that these proceedings should be terminated because (1) trial has not been instituted, (2) the Board has not decided the merits, (3) the parties have settled their dispute, and (4) the parties jointly request termination. Paper 8, 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

² Similar motions were filed in both proceedings. *See* IPR2023-01131, Paper 7 (Joint Motion to File Agreement as Business Confidential), Paper 8 (Joint Motion to Terminate); IPR2023-01132, Paper 7 (Joint Motion to File Agreement as Business Confidential Information), Paper 8 (Joint Motion to Terminate). Citations in this order are to the papers in IPR2023-01131.

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agreement, unless the Board has already decided the merits of the proceeding.”).³

We also agree that the agreements filed in each proceeding contain confidential information under the Board’s rules. *See* IPR2023-01131, Exs. 2001, 2002; IPR2023-01132, Exs. 2001, 2002. Accordingly, they 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 parties’ Joint Motions to Terminate the Proceedings (IPR2023-01131, Paper 8; IPR2023-01132, Paper 8) are *granted*;

FURTHER ORDERED that the parties’ Joint Motions to File the Agreement as Business Confidential Information (IPR2023-01131, Paper 7; IPR2023-01132, Paper 7) are *granted* and the parties’ confidential agreements (IPR2023-01131, Exs. 2001, 2002; IPR2023-01132, Exs. 2001, 2002) shall be treated as business confidential information and be kept separate from the files of the challenged patent, U.S. Patent No. 8,326,611 B2, 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.

³ *Available at* <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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