

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INDUSTRIAL REVOLUTION, INC.,
Petitioner,

v.

HUMANGEAR, INC.,
Patent Owner.

Case IPR2023-01174
U.S. Patent No. 10,555,629

**JOINT MOTION TO TERMINATE PURSUANT TO
35 U.S.C. § 317 AND 37 C.F.R. § 42.72**

IPR2023-01174

Patent 10,555,629 B2

I. Statement of the Precise Relief Requested

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72, Petitioner Industrial Revolution, Inc. (“IR”) and Patent Owner humangear, inc. (“humangear”) jointly move to terminate this *inter partes* review proceeding in light of the parties’ settlement of their dispute related to the subject patent, U.S. Pat. No. 10,555,629 (the “’629 Patent”). The filing of this Joint Motion was authorized by the Board in its email of December 5, 2023. The parties are submitting this Joint Motion to terminate this proceeding, along with a true copy of the related confidential Settlement Agreement (Ex. 1012). Given that IR is the only Petitioner in this *inter partes* review proceeding, the Settlement Agreement effectively resolves all disputes related to the ’629 Patent, and this entire proceeding should be dismissed as to both Petitioner and Patent Owner.

II. Statement of Reasons for the Relief Requested

On December 2, 2023, Petitioner and Patent Owner reached an agreement resolving the underlying dispute in the above-captioned *inter partes* review. Ex. 1012. Accordingly, termination of this proceeding is appropriate because all disputes between the parties regarding the ’629 Patent have been resolved. Motions to terminate based on a joint request are routinely granted in the pre-institution

IPR2023-01174

Patent 10,555,629 B2

timeframe.¹ Accordingly, termination is appropriate because an institution decision has not yet issued.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the confidential Settlement Agreement resolving the dispute in the above-captioned *inter partes* review is being submitted as Ex. 1012 by the parties, along with a request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of this proceeding in accordance with 37 C.F.R. § 42.74(c).

The parties hereby certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this proceeding, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b). For at least these reasons, Patent Owner and Petitioner submit that termination of this *inter partes* review is appropriate. Pursuant to 35 U.S.C. § 317(a), because the *inter partes* review is being terminated with respect to the Petitioner, no estoppel pursuant to 35 U.S.C. § 315(e) shall attach to IR.

¹ See, e.g., *Am. Airlines, Inc. v. Advanced Transaction, LLC*, IPR2023-01370, Paper 8 (PTAB Oct. 19, 2023).

IPR2023-01174

Patent 10,555,629 B2

DATED this 20th day of December 2023.

Respectfully submitted,

/Kevin S. Costanza/

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IPR2023-01174

Patent 10,555,629 B2

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72 was served via email on December 20, 2023 to Patent Owner's attorneys of record as follows:

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