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Paper 32
Entered: July 17, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREEWHEEL MEDIA, INC. and
VIANT TECHNOLOGY LLC,
Petitioners,

v.

INTENT IQ LLC,
Patent Owner.

IPR2024-00421[1]
IPR2024-00422[2]
Patent 7,861,260 B2[3]

Before NABEEL U. KHAN, SCOTT B. HOWARD, and DAVID COTTA, *Administrative Patent Judges*.

HOWARD, *Administrative Patent Judges*.

TERMINATION AS TO FREEWHEEL MEDIA, INC.
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

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[1] Viant Technology LLC was joined as a party to this proceeding via a Motion for Joinder in IPR2025-00128.
[2] Viant Technology LLC was joined as a party to this proceeding via a Motion for Joinder in IPR2025-00129.
[3] This Order addresses issues that are the same in each of these proceedings. We issue one Order to be entered in each proceeding. The parties are not authorized to use this style caption unless later permitted.

I. INTRODUCTION

With the Board's authorization, Petitioner FreeWheel Media, Inc. and Patent Owner Intent IQ, LLC (collectively referred to as "the Settling Parties") filed a Joint Motion to Terminate Petitioner FreeWheel Media, Inc. in each of the above-identified proceedings due to settlement. Paper 29[4] ("Joint Motion"). In support of the Joint Motions, the Parties filed a copy of a Release Agreement (Ex. 1078) in each proceeding, as well as a Joint Request that the Term Sheet be treated as Business Confidential Information. Paper 30 ("Joint Request")).

II. DISCUSSION

In each of the Joint Motions, the Settling Parties represent that they "have resolved their disputes regarding the '260 Patent, including both in this proceeding and . . . in the related district court litigation." Paper 29, 1. According to the Settling Parties, the litigation between them "has been dismissed with prejudice pursuant to settlement and no further litigation between the [Settling] Parties is contemplated." *Id.* The Settling Parties further represent that the copy of the Release Agreement filed in each proceeding is "a true copy of any agreement or understanding" between them "made in connection with, or in contemplation of, the termination of FreeWheel from this proceeding." *Id.*

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint

[4] For expediency, we cite to papers in IPR2024-00421. Similar papers were filed in IPR2024-00422.

request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed."

We instituted trials in the above-identified proceedings. Paper 9. We have not yet decided the merits of the proceedings, and final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Settling Partes have adequately shown that termination of the proceedings as to FreeWheel Media, Inc. is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to FreeWheel Media, Inc.

In the Joint Requests, the Settling Parties request that the Release Agreement be treated as business confidential information and be kept separate from the files of the '260 patent. Paper 30, 1. After reviewing the Release Agreement between the Settling Parties, we find that the Release Agreement contains confidential business information regarding the terms of settlement. We determine that good cause exists to treat the Release Agreement between the Settling Parties as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The Settling Parties additionally "request that the Board order that in the event a person or entity makes a written request, as stated in 37 C.F.R. § 42.74(c)(1)–(2), for access to the term sheet, that any such written request be served upon the parties on the day the written request is provided to the Board." Paper 30, 1. We have no such procedure for serving parties upon requests to access business confidential information, and, further, our regulations do not require us to do so. Therefore, we decline to issue an

order regarding service of the Settling Parties upon requests to access the Release Agreement.

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 Motions are *granted*, and IPR2024-00421 and IPR2024-00422 are *terminated* with respect to Petitioner FreeWheel Media, Inc., pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72; and

FURTHER ORDERED that the Joint Requests are *granted in part*, and the Release Agreement shall be kept separate from the files of Patent 7,861,260 B2, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c);

FURTHER ORDERED that the restrictions on participation of joined Petitioner Viant Technology LLC in the above-identified proceedings (Paper 19, 9) are lifted; and

FURTHER ORDERED that the case caption shall be changed to reflect the termination with respect to FreeWheel Media, Inc., in accordance with the attached examples.

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