

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CALA HEALTH, INC,
Petitioner,

v.

EMKINETICS INC.,
Patent Owner.

IPR2024-00732, Patent 10,786,669 B2
IPR2024-00743, Patent 11,628,300 B2¹

Before ERICA A. FRANKLIN, JOHN G. NEW, and JASON W. MELVIN,
Administrative Patent Judges.

NEW, Administrative Patent Judge.

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

¹ The combined caption is for administrative convenience only and does not indicate that IPR2024-00732 and IPR2024-00743 are joined. The parties are not authorized to use this caption without the express prior permission of the Board.

I. INTRODUCTION

With our authorization, Petitioner Cala Health, Inc. and Patent Owner Emkinetics Inc. (collectively, “the Parties”) filed a joint motion (the “Joint Motion”) to dismiss these *inter partes* reviews (“IPR”) challenging claims of U.S. Patent Nos. 10,786,669 B2 (the “’669 patent”) and 11,628,300 B2 (the “’300 patent”), due to a settlement reached between the Parties. Paper 6. In support of the Joint Motion, the Parties filed a Confidential License and Settlement Agreement (Ex. 1022, the “Settlement Agreement”).

II. DISCUSSION

In their Joint Motion, the Parties represent that they have reached an agreement to jointly seek termination of these *inter partes* review proceedings. Joint Motion 1. In a subsequent filing, the Parties further represent that the filed copy of the Settlement Agreement is a true and complete copy. Paper 8, 1. The Parties further represent that the Settlement Agreement resolves the instant dispute regarding the validity of the ’669 and ’300 patents between the Parties. Joint Motion 1.

The above-identified proceedings are at an early stage, and we have not yet decided whether to institute trial in either of the proceedings. In view of the early stage of the proceedings, and the Settlement Agreement reached between the Parties, the request to terminate these proceedings is *granted*.

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

IPR2024-00732, Patent 10,786,669 B2

IPR2024-00743, Patent 11,628,300 B2

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate is granted; therefore the proceedings in IPR2024-00732 and IPR2023-00743 are terminated.

IPR2024-00732, Patent 10,786,669 B2

IPR2024-00743, Patent 11,628,300 B2

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