

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

Hulu, LLC; Capital One National Association
Petitioner

v.

Implicit, LLC,
Patent Owner

CASE: IPR2024-00787
U.S. PATENT NO. 6,976,248

UNOPPOSED MOTION TO TERMINATE PROCEEDING

Pursuant to 37 C.F.R. § 42.74, and the authorization provided in the Board's email of August 1, 2024, Petitioner Hulu, LLC and Capital One, National Association move to terminate the above-captioned proceeding, IPR2024-00787, directed to U.S. Patent No. 6,976,248 ("the '248 patent"). Patent Owner has not appeared in the above-captioned proceeding and is therefore not expected to oppose.

Petitioner and Patent Owner have settled their dispute regarding the '248 patent, including this proceeding and Patent Owner's assertion of the '248 patent in the related district court litigation against Petitioner: *Implicit, LLC v. Capital One, National Association*, Case No. 4-23-cv-00770-SDJ (E.D. Tex.). The parties do not anticipate further litigation between them concerning the '248 patent.

Good cause exists to terminate this proceeding because the parties have settled their dispute regarding the '248 patent and the proceeding is still ongoing with significant work still to be done, including the Board's Institution Decision and, to the extent that Institution is granted, the Patent Owner's Reply, possible motions to exclude, preparation for and participation in the oral argument, and the Board's preparation of the Final Written Decision. Terminating the proceeding now would thus serve the interests of judicial economy and the mutual interest of the parties.

A true and correct copy of the parties' settlement agreements will be filed as Exhibit 1027 and Exhibit 1028, along with an Unopposed Motion to Treat the Settlement Agreement as Business Confidential Information. Pursuant to 35 U.S.C.

§ 317(b), the parties hereby certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceedings beyond the settlement agreement in Exhibits 1027 and 1028.

Date: August 8, 2024

Respectfully submitted,

K&L GATES LLP,

By: /Jason A. Engel/
Jason A. Engel
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Certification of Service Under 37 C.F.R. §42.6(e)(4)

A copy of this Unopposed Motion to Terminate Proceeding has been served at the following correspondence address of record for the subject patent via Federal Express Priority Overnight® on this 8th day of August, 2024:

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