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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

KOVE IO, INC.,
Patent Owner.

IPR2024-01021
IPR2024-01022
Patent 7,233,978 B2[1]

Before KARL D. EASTHOM, BARBARA A. PARVIS, and DAVID COTTA, *Administrative Patent Judges.*

PARVIS, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

[1] This Decision addresses issues that are the same in both proceedings, which both involve Patent 7,233,978 B2 (the "'978 patent"). The parties must obtain prior authorization to use this heading style.

I. INTRODUCTION

With Board authorization, the parties filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 in the above-identified proceedings due to settlement. Paper 10 ("Joint Termination Motion").[2] The parties also filed a confidential settlement document in each proceeding ("Settlement Agreement"). Ex. 2015. The parties also filed a Joint Request to Treat Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) in each proceeding. Paper 11 ("Joint Filing Motion").

II. DISCUSSION

The parties' Joint Termination Motion states that the parties "have settled their dispute regarding the '978 [p]atent, including both this proceeding and Patent Owner's assertion of the '978 [P]atent in the related district court litigation, *Kove IO, Inc. v. Google*, No. 1:23-cv-04244." Paper 11, 1. The Joint Termination Motion also indicates that the parties filed "[a] true and correct copy of the parties' settlement agreement" as Exhibit 2015. *Id.* The parties also submit that "[n]o other agreements, written or oral, exist between the parties as to the '978 [p]atent." *Id.* at 2.

These proceedings are at an early stage, prior to any decision as to whether to institute a trial in each proceeding. In view of the early stage of the proceedings and the settlement between the parties, we determine that it is appropriate to dismiss the Petitions in each proceeding and terminate the proceedings. Further, after reviewing the parties' Settlement Agreement, we find that it contains confidential business information regarding the terms of

[2] The parties filed materially identical Papers and Exbibits in both proceedings. Citations are to IPR2024-01021.

settlement, and good cause exists to treat it as business confidential information and to keep it separate from the file of each patent in the above-captioned proceedings pursuant to 37 C.F.R. § 42.74(c). This Decision is not a final written decision under 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that in each proceeding, the Joint Termination Motion to terminate the respective above-identified proceeding is *granted* and the Petition is *dismissed*, and each proceeding is *terminated*; and

FURTHER ORDERED that in each proceeding the Joint Filing Motion is *granted* and the Settlement Agreement shall be kept separate from the file of the respective above-captioned proceeding and available only to Federal Government agencies on written request, or to any person on a showing of good cause, pursuant to 37 C.F.R. § 42.74(c).

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