

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

VALTRUS INNOVATION LIMITED,
Patent Owner.

IPR2026-00262
Patent 7,057,509 B2

Before LINDA E. HORNER, MICHAEL R. ZECHER, and
BACH V. HOANG, *Administrative Patent Judges*.

HORNER, *Administrative Patent Judge*.

TERMINATION
Due to Settlement After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.74

I. DISCUSSION

With our authorization, Petitioner, Google, LLC, and Patent Owner, Valtrus Innovation Limited, jointly filed the following documents in this proceeding: (1) a Joint Motion to Terminate Pursuant to 37 C.F.R. § 42.74 (Paper 16, “Mot.” Or “Joint Motion”); (2) a true copy of the parties’ settlement agreement (Ex. 1025, “Covenant Not to Sue”); and (3) a Joint Request to File Settlement Agreement as Business Confidential Information and to Maintain Said Agreement Separate from the Public File Pursuant to 37 C.F.R. § 42.74(c) (Paper 17, “Joint Request”). For the following reasons, we grant the parties’ Joint Motion to terminate this proceeding and their Joint Request to file their Covenant Not to Sue as business confidential information and keep it separate from the file of the involved patent.

On August 19, 2026, the Under Secretary of Commerce for Intellectual Property and Director of the U.S. Patent and Trademark Office entered a decision granting institution of an *inter partes* review (“IPR”) of claims 14–21 and 24–28 of U.S. Patent No. 7,057,509 B2 (Ex. 1001, “the ’509 patent”). Paper 14. The trial, however, is still in an early stage because the parties have not completed substantive briefing and we have not yet decided the merits. *See* Mot. 1.

In the Joint Motion, the parties indicate that termination of this proceeding is appropriate for the following three reasons: (1) “[t]he proceeding is at an early stage: although instituted on August 19, 2026, Patent Owner has not yet filed a Patent Owner Response”; (2) “[u]nder 35 U.S.C. § 317(a), termination is required upon joint request where the Office has not decided the merits”; and (3) “[t]ermination [of this proceeding] now promotes judicial economy and serves the mutual interests

of the [p]arties.” Mot. 1. The parties represent that they will file “a true and correct copy of the parties’ covenant not to sue” as Exhibit 1025.¹ *Id.* The parties also represent that “Exhibit 1025 contains a true copy of all agreements made in connection with or in contemplation of the requested termination, including collateral agreements. There are no other collateral agreements in connection with the settlement.” *Id.* at 2.

The parties further represent that they “have resolved their dispute regarding the ’509 Patent, including both this proceeding and the assertion of the ’509 Patent in the related district court litigation, *Google LLC v. Valtrus Innovations Ltd. and Key Patent Innovations Ltd.*, Case No. 3:26-cv-00363-TLT (N.D. Cal.),” and “[t]he [p]arties do not anticipate further litigation between them concerning the ’509 Patent.” Mot. 1.

Under these particular circumstances, we determine that it is appropriate to terminate the trial without rendering a final written decision. *See* 37 C.F.R. § 42.72. We also have reviewed the true copy of the parties’ Covenant Not to Sue, and we determine that good cause exists to treat this settlement agreement as business confidential information, and keep it separate from the file of the involved patent. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ Joint Request to treat the true copy of their Covenant Not to Sue filed in this proceeding as business confidential

¹ As of the date of this Order, the parties have filed Exhibit 1025.

information and to keep separate from the file of the involved patent is *granted*;

FURTHER ORDERED that Exhibit 1025 shall remain business confidential information and shall be kept separate from the file of the involved patent; and

FURTHER ORDERED that the parties' Joint Motion to terminate this proceeding is *granted*.

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