

Filed on behalf of: Peloton Interactive, Inc.

Entered: May 26, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PELOTON INTERACTIVE, INC.,
Petitioner,

v.

IFIT, INC.,
Patent Owner.

Case IPR2022-00030
Patent 7,166,062 B1

**JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317(a) AND 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner Peloton Interactive, Inc. and Patent Owner iFIT, Inc. (collectively, “the Parties”) jointly request termination of the *inter partes* review of U.S. Patent No. 7,166,062 (“’062 patent”), Case No. IPR2022-00030. The filing of this Joint Motion was authorized by the Board in an email correspondence dated May 25, 2022.

On May 15, 2022, Petitioner and Patent Owner executed a Confidential Settlement Agreement to resolve all present disputes and to avoid any additional disputes regarding the ’062 patent. Accordingly, termination is appropriate because all disputes between the parties regarding the ’062 patent have been resolved.

Pursuant to 37 C.F.R. §§ 42.5 and 42.72, the Board may terminate a trial without rendering a final written decision where appropriate, including pursuant to a joint request under 35 U.S.C. §§ 317(a) or 327(a). *See Winplus N. Am., Inc. v. Pilot, Inc.*, IPR2018-00488, Paper 12 (P.T.A.B. Oct. 24, 2018). Further, a dismissal of this IPR would promote efficiency and minimize unnecessary costs.

This proceeding is still in its preliminary stages. A Petition for *inter partes* review was filed on October 13, 2021 (Paper No. 2), and the Board issued its Decision instituting Review on April 22, 2022 (Paper No. 12). The Parties have settled their dispute and respectfully submit that a dismissal is proper here. The Parties to the underlying litigation, *iFIT Inc. v. Peloton Interactive, Inc.*, No. 1:20cv-01386-RGA, in the District of Delaware, have agreed to separately request dismissal,

and are seeking termination of the two other inter partes review proceedings involving the '062 patent (IPR2021-00342 and IPR2022-00029). No litigation or proceeding involving the subject patent is contemplated in the foreseeable future.

The Confidential Settlement Agreement is submitted concurrently herewith. In accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), also submitted concurrently herewith is a Joint Request that the Confidential Settlement Agreement be treated as business confidential information, be kept separate from the file of the involved patent, and be made available only to the Federal Government agencies on written request, or to any person on showing of good cause under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c). A true and correct copy of the Confidential Settlement Agreement is submitted with that Request as Confidential Exhibit 1029.

Petitioner and Patent Owner certify that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding. Both Petitioner and Patent Owner support termination of the proceeding.

CONCLUSION

For the foregoing reasons, Petitioner and Patent Owner jointly request that the Board dismiss this proceeding in its entirety.

Respectfully submitted,

Dated: May 26, 2022

By: / Jonathan M. Strang /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 26th day of May, 2022, a true and correct copy of the foregoing **Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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