

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION (IBM)
Petitioner

v.

FINANCIAL SYSTEMS TECHNOLOGY
(INTELLECTUAL PROPERTY) PTY. LTD.
Patent Owner

CASE IPR2013-00079
Patent RE40,520

**FINANCIAL SYSTEMS TECHNOLOGY
(INTELLECTUAL PROPERTY) PTY. LTD. AND
INTERNATIONAL BUSINESS MACHINE CORPORATION'S
JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317**

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Pursuant to 35 U.S.C. § 317(a), Petitioner International Business Machines Corporation (“IBM”) and Patent Owner Financial Systems Technology (Intellectual Property) Pty. Ltd. (“FST”) jointly request termination of the *Inter Partes* Review of U.S. Patent No. RE40,520, Case No. IPR2013-00079.

This *inter partes* review has not been instituted. IBM filed its petition for *inter partes* review on December 12, 2012. FST has not filed a preliminary response, and one is not due until March 17, 2013. The parties have settled their dispute, and have reached agreement to terminate this *inter partes* review. This Settlement Agreement has been made in writing, and a true and correct copy shall be filed with this Office as business confidential information pursuant to 35 U.S.C. § 317(b). As stated in 35 U.S.C. § 317(a), because IBM and FST request this termination as to Petitioner IBM, no estoppel under 35 U.S.C. § 315(e) shall attach to IBM.

Therefore, IBM and FST respectfully request termination of the *Inter Partes* Review of U.S. Patent No. RE40,520, Case No. IPR2013-00079.

Date: February 8, 2013

Respectfully submitted,

/s/ Kenneth R. Adamo

Kenneth R. Adamo (Reg. No. 27,299)
Joel R. Merkin (Reg. No. 58,600)
KIRKLAND & ELLIS LLP
300 North LaSalle Street
Chicago, Illinois 60654
Attorneys For Petitioner

/s/ Scott A. McKeown

Scott A. McKeown (Reg. No. 42,866)

Michael L. Kiklis (Reg. No. 38,939)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, LLP

1940 Duke Street

Alexandria, Virginia 22314

Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Joint Motion to Terminate Proceeding for *Inter Partes* Review of U.S. Patent No. RE40,520 was served on February 8, 2013 via U.S. Mail directed to the attorney of record for the patent at the following address:

Scott A. McKeown
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT LLP
1940 Duke Street
Alexandria, VA 22314

/s/ Joel R. Merkin
Joel R. Merkin