

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RAYMARINE, INC.

Petitioner

v.

NAVICO HOLDING AS

Patent Owner

Case IPR2013-00355

Patent 8,305,840

**JOINT MOTION BY PETITIONER AND PATENT OWNER TO
TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317 and 37
C.F.R. § 42.74**

LEGAL02/34732009v1

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner Raymarine Inc. (“Raymarine”) and Patent Owner Navico Holding AS (“Navico”) jointly request termination of the *inter partes* review of U.S. Patent No. 8,305,840 Case No. IPR2013-00355.

I. Termination of Case No. IPR2013-00355 Would Be Appropriate.

Termination of Case No. IPR2013-00355 by the PTAB would be appropriate. This case is at a sufficiently early stage of the trial, and no motions or petitions are outstanding in this case.¹ Further, the parties entered into a Confidential Settlement Agreement (attached hereto as Exhibit NAV-2003). The Confidential Settlement Agreement requires both parties to terminate all disputes, including: (i) *Inter Partes* Review Proceedings Nos. 2013-00355, 2013-00496 and 2013-00497; (ii) *In the Matter of Certain Marine Sonar Imaging Devices, Products Containing The Same, And Components Thereof*, before the U.S. International Trade Commission, Washington, DC, Inv. No. 337-TA-898; and (iii) *Navico, Inc. and Navico Holding AS v. Raymarine Inc.* in the U.S. District Court for the Northern District of Oklahoma, Civil Action No. 4:13-cv-00554 .

¹ Patent Owner has not filed a full response, and one is not due until March 24, 2014.


Therefore, termination of this case is appropriate because (i) the case is at a sufficiently early stage of the trial, (ii) the parties have settled their disputes, (iii) Patent Owner has agreed to dismiss the related litigation, and (iv) the parties to this case agree that this *inter partes* review should be terminated.

As set forth in 35 U.S.C. § 317 and 37 C.F.R. § 42.74, the Confidential Settlement Agreement between Raymarine and Navico has been made in writing, and a true and correct copy is being filed with the Patent Office as an exhibit to this Joint Motion. As stated in 35 U.S.C. § 317(a), because Raymarine and Navico request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach as to Petitioner Raymarine. Further, a joint request to treat the Confidential Settlement Agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is filed concurrently herewith.

Therefore, Raymarine and Navico respectfully request termination of the *inter partes* review of U.S. Patent No. 8,305,840, Case No. IPR2013-00355.

March 19, 2014

Respectfully Submitted,

By 

Christopher TL Douglas
Reg. No. 56,950
Alston & Bird LLP
Attorneys for Patent Owner Navico

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By TM K.
Thomas King
Reg. No. 69,721
Haynes and Boone, LLP
Attorneys for Petitioner Raymarine

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Updated Exhibit Listing

- NAV – 2001 Declaration by Alan Proctor to Establish Conception and Reduction to Practice Prior to August 28, 2008
- NAV – 2002 “ITC Application Equations for Underwater Sound Transducers”; Published by International Transducer Corporation, 1995, Rev. 8/00; 3 pages
- NAV – 2003 Confidential Settlement Agreement

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