

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION
Petitioner,

v.

TPK TOUCH SOLUTIONS INC.
Patent Owner

Case IPR2013-00568
U.S. Patent No. 8,217,902

**JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317(a), Petitioner Wintek Corporation and Patent Owner TPK Touch Solutions Inc. jointly request termination of IPR2013-00568, which is directed to U.S. Patent No. 8,217,902. The parties have settled their disputes insofar as they relate to U.S. Patent No. 8,217,902, and have reached agreement to terminate this *inter partes* review.

The parties have entered into a written Settlement Agreement, a true copy of which has been submitted as Exhibit No. 2029. The parties desire and jointly request that this Settlement Agreement be treated as confidential business information and that it be kept separate from the files of U.S. Patent No. 8,217,902 and this *inter partes* review proceeding in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The parties concurrently are filing a separate joint request to this effect.

Pursuant to the Settlement Agreement, the parties have resolved all litigations and proceedings relating to U.S. Patent No. 8,217,902 , including *TPK Touch Solutions Inc. v. Wintek Corp.*, Civ. A. No. 3:13-CV-02218-VC (N.D. Cal.) (“California Action”). Specifically, pursuant to sections 1.6.1 and 7.1 of the Settlement Agreement, the parties have agreed to dismiss the California Action with prejudice. Patent Owner further represents that there are currently no other pending proceedings involving U.S. Patent No. 8,217,902, except for *ex parte* reexamination Control No. 90/012,869, which is presently stayed and includes

additional claims not affected by any *inter partes* review proceedings. Moreover, Patent Owner represents that it does not contemplate initiating any proceedings involving U.S. Patent No. 8,217,902 in the foreseeable future, either against Petitioner or any third party.

The parties respectfully submit that termination is appropriate because Patent Owner has agreed to license U.S. Patent No. 8,217,902 to Petitioner (*see* Settlement Agreement § 2.1), the parties have settled all disputes with respect to U.S. Patent No. 8,217,902 and the parties have agreed to terminate this *inter partes* review. No public interest or other factors militate against termination of this proceeding.

In view of the foregoing, the parties jointly and respectfully request that the instant proceeding be terminated.

Date: November 25, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317 was served electronically via e-mail on November 25, 2014, in its entirety on the following:

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Date: November 25, 2014