

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CYPRESS SEMICONDUCTOR CORP.

Petitioner,

v.

BLACKBERRY LTD.

Patent Owner.

Case IPR2014-00400

Patent U.S. 6,034,623

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

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JOINT MOTION TO TERMINATE PROCEEDING
Case IPR2014-00400
U.S. Patent 6,034,623

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, Petitioner Cypress Semiconductor Corp. (“Cypress”), and Patent Owner BlackBerry, Ltd. (“BlackBerry”) jointly request termination of *Inter Partes Review* Case No. IPR2014-00400, which is directed to U.S. Patent 6,034,623 (“the ‘623 Patent”).

Cypress’ petition for this *inter partes* review was filed on January 30, 2014. The Board instituted *inter partes* review on July, 3, 2014 (Paper No. 9). Patent Owner filed a patent owner response on October 2, 2014 (Paper No. 15). Petitioner’s reply is not due until January 2, 2015.

Patent Owner and Petitioner respectfully submit that termination is appropriate because they have reached an agreement resolving the dispute involving the patent at issue in this proceeding, because full briefing on the issues has not been completed, and because the Board has not made any ruling with respect to the challenged claims. Accordingly, termination is proper under 35 U.S.C. § 317(a).

As required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the parties’ confidential Agreement has been reduced to writing, and a true copy of the same is

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attached hereto as Exhibit 2004.¹ The Agreement is marked Confidential as the parties desire that the Agreement be maintained as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and a separate joint request to that effect is being filed on even date herewith.

The '623 Patent was previously the subject of *BlackBerry Ltd. v. Cypress Semiconductor Corp.*, case no. 3:13-cv-04431 (N.D. Tex. Nov. 4, 2013), which was dismissed without prejudice on September 25, 2014.

The parties jointly request termination of IPR2014-00400. Should the Board determine that termination is not proper, Patent Owner and Petitioner have agreed that each has reserved its rights to participate in any ongoing proceeding.

Patent Owner and Petitioner believe no fee is due with this filing. If necessary, however, the Board is hereby authorized in this, concurrent and future filings, to charge payment or credit any overpayment to Deposit Account 15-0030, (Customer ID No. 22850).

¹ The Agreement is being filed electronically via the Patent Review Processing System (PRPS) as "Parties and Board Only."

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Respectfully submitted,

Dated: November 21, 2014

/Robert C. Mattson/
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BLACKBERRY LTD.

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on November 21, 2014, the JOINT MOTION TO TERMINATE PROCEEDING was served on the counsel of record for the Petitioner by filing this document through the Patent Review Processing System and serving to the email addresses noted below (as requested in Petitioner's Petition for *Inter Partes* Review):

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BLACKBERRY LTD.