

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION; HTC AMERICA, INC.; SAMSUNG ELECTRONICS
CO., LTD.; and SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners

v.

E-WATCH, INC. and E-WATCH CORPORATION
Patent Owner

Case IPR2014-00987¹
Patent No. 7,365,871

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

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ Case IPR2015-00541 has been joined with this proceeding.

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, Petitioner HTC Corporation and HTC America, Inc. (“HTC”), and Petitioner Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung”) (collectively “Petitioners”) and Patent Owner e-Watch, Inc. and e-Watch Corporation (“e-Watch”) jointly move to terminate the present *inter partes* review proceedings with respect to both Petitioners and Patent Owner, in light of the parties’ resolution of their dispute relating to U.S. Patent No. 7,365,871 (“the ’871 patent”).

Termination with respect to Petitioners and Patent Owner e-Watch is appropriate in the instant proceeding because the dispute between the parties has been resolved, and further, the parties have agreed to terminate this *inter partes* review.

As required by 35 U.S.C. § 317(b), the parties are filing, concurrently herewith, a true copy of their written agreements as Exhibits 1013 and 1014. The parties further request, pursuant to 37 C.F.R. § 42.74(c), that the agreements be treated as confidential business information and kept separate from the files of the involved patent. The parties are filing, concurrently herewith, a request to treat the settlement agreements as confidential business information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The applicable statute, provides that an *inter partes* review proceeding “shall be terminated with respect to *any* petitioner upon the joint request of the petitioner

and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a) (emphasis added). Moreover, strong public policy considerations favor settlement between parties to an *inter partes* review proceeding. Indeed, the Office Patent Trial Practice Guide provides:

N. Settlement. There are strong public policy reasons to favor settlement between the parties to a proceeding. The Board will be available to facilitate settlement discussions, and where appropriate, may require a settlement discussion as part of the proceeding. The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.

The Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14 2012). Pursuant to the Board’s Order on August 28, 2015, the Board has not yet issued a decision on the merits. Order, Paper 29, at 2. Moreover, no public interest factors militate against termination of this proceeding with respect to both Petitioners and Patent Owner.

The status of all district court cases involving U.S. Patent No. 7,365,871 is presented below.

Judicial Matter	Court	Filed	Status	Cause No.
e-Watch, Inc. and e-Watch	E.D. Tex.	12/09/13	Pending	13-01061

Corporation v. Apple, Inc.				
e-Watch, Inc. and e-Watch Corporation v. Blackberry Limited and Blackberry Corporation	E.D. Tex.	12/13/13	Terminated	13-01078
e-Watch, Inc. and e-Watch Corporation v. HTC Corporation and HTC America, Inc.	E.D. Tex.	12/13/13	Pending, but termination imminent	13-01063
e-Watch, Inc. and e-Watch Corporation v. Huawei Technologies Co., Ltd. and Huawei Technologies USA, Inc.	E.D. Tex.	12/13/13	Pending	13-01076
e-Watch, Inc. and e-Watch Corporation v. Kyocera Communications, Inc. and Kyocera International, Inc.	E.D. Tex.	12/09/13	Terminated	13-01077
e-Watch, Inc. and e-Watch Corporation v. LG Electronics, Inc., LG Electronics U.S.A, Inc., and LG Electronics Mobilecomm U.S.A.	E.D. Tex.	12/13/13	Pending, but termination imminent	13-01064
e-Watch, Inc. and e-Watch Corporation v. Nokia Corporation and Nokia, Inc.	E.D. Tex.	12/13/13	Terminated	13-01075
e-Watch, Inc. and e-Watch Corporation v. Samsung Electronics Co., Ltd. and Samsung Telecommunications America, Inc.	E.D. Tex.	12/13/13	Pending, but termination imminent	13-01062
e-Watch, Inc. and e-Watch Corporation v. Sharp Corporation and Sharp Electronics Corporation	E.D. Tex.	12/13/13	Terminated	13-01074
e-Watch, Inc. and e-Watch Corporation v. Sony Corporation, Sony Mobile Communications AB, and Sony Mobile Communications (USA), Inc.	E.D. Tex.	12/13/13	Terminated	13-01073

e-Watch, Inc. and e-Watch Corporation v. ZTE Corporation, ZTE (USA), Inc., and ZTE Solutions, Inc.	E.D. Tex.	12/13/13	Pending	13-01071
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The status of all *inter partes* reviews (“IPR”) involving U.S. Patent No. 7,365,871 is presented below.

IPR	Status
IPR2015-00541 joined to IPR2014-00987	Pending, but termination requested
IPR2014-00439	Terminated
IPR2015-00406	Not Instituted
IPR2015-00404	Pending, but Board has granted request to file motion to terminate
IPR2015-00402	Terminated
IPR2015-00610	Pending, but parties will request right to file motion to terminate soon
IPR2015-00411	Not Instituted
IPR2015-00413	Not Instituted
IPR2015-00612	Not Instituted
IPR2015-01366	No Decision on institution yet
IPR2015-00412	Pending

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