

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., T-MOBILE USA, INC., and T-MOBILE US, INC.,  
Petitioner

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,  
Patent Owner

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Case IPR2014-01035  
Patent No. 5,659,891

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**JOINT MOTION TO TERMINATE THE *INTER PARTES* REVIEW WITH  
RESPECT TO APPLE INC.**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, Patent Owner Mobile Telecommunications Technologies, LLC (“Patent Owner”) and Apple Inc. (“Apple”) jointly request termination of *Inter Partes* Review Case No. IPR2014-01035, which is directed to U.S. Patent No. 5,659,891 (the “’891 Patent”), with respect to Apple.

On June 27, 2014, Apple filed a Petition for *Inter Partes* Review (“Apple IPR” – which is the above-captioned *Inter Partes* Review, *i.e.*, IPR2014-01035) before the United States Patent Trial and Appeal Board (“the Board”). Patent Owner’s preliminary response was filed on October 24, 2014 in the Apple IPR. On January 22, 2015, the Board issued a Decision to Institute *inter partes* review of the ’891 Patent in the Apple IPR. Paper 10.

On October 3, 2014, T-Mobile USA, Inc. and T-Mobile US, Inc. (“T-Mobile”) filed a Petition for *Inter Partes* Review (“T-Mobile IPR”) before the Board (assigned IPR2015-00018). Patent Owner’s preliminary response was filed on January 15, 2015 in the T-Mobile IPR. On April 8, 2015, the Board issued a Decision to Institute *inter partes* review of the ’891 Patent in the T-Mobile IPR and to join the Apple IPR and T-Mobile IPR (“Joined *Inter Partes* Review” – which is also the above-captioned *Inter Partes* Review, *i.e.*, IPR2014-01035). Paper 13 of IPR2015-00018.

Patent Owner has not filed a response in the Joined *Inter Partes* Review, and one is not due (by stipulation of Apple, T-Mobile, and Patent Owner, filed herewith) until June 21, 2015.

Patent Owner and Apple respectfully submit that termination with respect to Apple is appropriate because they have reached an agreement resolving the dispute involving the patent at issue in this Joined *Inter Partes* Review, it is prior to full briefing on the issues raised in this Joined *Inter Partes* Review, and the Board has not issued a final written decision. Further, Apple represents that it will no longer participate even if the Board does not terminate its participation in this Joined *Inter Partes* Review. That means Apple will file no further papers. It also will not be participating in any oral argument.

The Board authorized the filing of the instant Motion in a conference call dated April 21, 2015. IPR2013-00428, Paper No. 56 provides guidance as to the content of a motion to terminate. There, the Board indicates that a joint motion, such as this one, should (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue, and the status of each; and (3) identify any related proceedings currently before the Office. IPR2013-00428, Paper No. 56 at 2. This Motion satisfies each of the above requirements.

Indeed, Apple and Patent Owner have entered into a Settlement Agreement (“Apple Settlement Agreement”), a true copy of which is attached hereto as Exhibit 2001, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b).<sup>1</sup>

Patent Owner and Apple are concurrently filing a Joint Request that the Apple Settlement Agreement, Confidential Exhibit 2001, shall be treated as business confidential information, shall be kept separate from the file of the involved patents, and shall be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. §42.74(c).

**1. All parties in any pending related litigation involving the patents at issue, and current status of each such related litigation.**

Apple is not involved in any other pending related litigations involving the '891 Patent. Other parties involved in litigations related to the '891 Patent are identified in the table that follows.

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<sup>1</sup> The Apple Settlement Agreement (Exhibit 2001) is being filed electronically via the Patent Review Processing System (PRPS) as “Board Only,” because T-Mobile is not a party to the Apple Settlement Agreement.

Case Name	Case No.	Court	Defendants	Status
Mobile Telecommunications Technologies, LLC v. Leap Wireless International, Inc. and Cricket Communications, Inc.	No. 2:13-cv-00885-JRG-RSP	E.D. TX.	<i>Leap Wireless International, Inc. and Cricket Communications, Inc.</i>	On-going; Claim construction hearing held March 23, 2015.
Mobile Telecommunications Technologies, LLC v. T-Mobile USA, Inc. and T-Mobile US, Inc.	No2:13-cv-886-JRG-RSP	E.D. TX.	T-Mobile USA, Inc. and T-Mobile US, Inc	Stayed until May 7, 2015 for purposes of facilitating settlement.
Mobile Telecommunications Technologies, LLC v. AT&T Mobility LLC and AT&T Inc.	2:14-CV-897-RSP	ED. Tex.	AT&T Mobility LLC and AT&T Inc.	Scheduling Conf. held March 20, 2015.

**2. Related proceedings currently before the Office and Status.**

Aside from this *inter partes* review proceeding, the '891 Patent is also the subject of the following proceeding(s) currently before the Office:

Related Proceeding	Requestor/Petitioner	Status
IPR2015-00018	T-Mobile	Joined with this proceeding IPR2014-01035

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