

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY CORP.

Petitioner,

v.

CYPRESS SEMICONDUCTOR CORP.

Patent Owner.

Case IPR2014-01492

Patent 6,493,770

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

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Alexandria, VA 22313-1450

JOINT MOTION TO TERMINATE PROCEEDING
Case IPR2014-01492
U.S. Patent 6,493,770

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, Petitioner BlackBerry, Corp. (“BlackBerry”) and Patent Owner Cypress Semiconductor Corp. (“Cypress”) jointly request termination of *Inter Partes Review* Case No. IPR2014-01492, which is directed to U.S. Patent No. 6,493,770 (“the ‘770 Patent”).

BlackBerry’s petition for this *inter partes* review was filed on September 12, 2014. A Notice of Filing Date Accorded (Paper No. 3) was mailed September 25, 2014. No decision to institute has yet issued. The parties have reached agreement to terminate this *inter partes* review.

Termination is proper under 35 U.S.C. § 317(a) because the parties are jointly requesting termination and the Office has not yet issued a decision to institute in this matter. Accordingly, the parties are entitled to terminate this proceeding under Section 317(a) upon their joint request.

JOINT MOTION TO TERMINATE PROCEEDING
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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 attached hereto as Exhibit 1022.¹ 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 '770 Patent is the subject of the following pending litigation: *Cypress Semiconductor Corp. v. LG Electronics Inc., et al.*, 4:13-cv-04034-SBA (N.D. Cal. Aug. 29, 2013). Petitioner is not a party to the pending litigation. The '770 Patent was previously the subject of *Cypress Semiconductor Corp. v. BlackBerry Ltd., et al.*, case no. 5:13-cv-04183 (N.D. Cal. Sept. 10, 2013), which was dismissed without prejudice on September 25, 2014.

The parties jointly request termination of IPR2014-01492. Should the Board determine that termination is not proper, Petitioner and Patent Owner have agreed that each has reserved its rights to participate in any ongoing proceeding.

Petitioner and Patent Owner believe no fee is due with this filing. If necessary, however, the Board is hereby authorized in this, concurrent and future

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

JOINT MOTION TO TERMINATE PROCEEDING
Case IPR2014-01492
U.S. Patent 6,493,770

filings, to charge payment or credit any overpayment to Deposit Account 15-0030,
(Customer ID No. 22850).

Respectfully submitted,

Dated: November 21, 2014

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JOINT MOTION TO TERMINATE PROCEEDING
Case IPR2014-01492
U.S. Patent 6,493,770

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 counsel of record for the Patent Owner by filing this document through the Patent Review Processing System and serving to the email address noted below:

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Respectfully submitted,

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Attorney for Petitioner

BLACKBERRY CORP.