

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS (USA) INC.,
Petitioner

v.

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

Case IPR2015-00402
Patent No. 7,365,871

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

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Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, Petitioner Sony Mobile Communications (USA) Inc. (“Sony”) and Patent Owner e-Watch, Inc. (“e-Watch”) jointly move to terminate the present *inter partes* review proceeding with respect to both the Petitioner 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 Petitioner Sony 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 agreement as Exhibit 1027. The parties further request, pursuant to 37 C.F.R. § 42.74(c), that the agreement be treated as confidential business information and kept separate from the files of the involved patent. The parties are filing, concurrently herewith, a motion to seal pursuant to 35 U.S.C. § 327(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).

This proceeding is still in its early stages. e-Watch’s Patent Owner Response is not

due until August 31, 2015. Moreover, strong public policy considerations favor settlement between parties to an *inter partes* review proceeding. See Office Trial Practice Guide, Fed. Reg., Vol. 77, No. 157 at 48768 (Aug. 14, 2012). No public interest factors militate against termination of this proceeding with respect to both Petitioner 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 Corporation v. Apple, Inc.	E.D. Tex.	12/09/13	Pending	Case IPR2015-00402 Patent No. 7,365,871 13-01061
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	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	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	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	Pending	13-01073
e-Watch, Inc. and e-Watch Corporation v. Apple, Inc.	E.D. Tex.	12/13/13	Pending	13-01071

For the foregoing reasons, the parties jointly and respectfully request that the instant proceeding be terminated with respect to both Petitioner and Patent Owner.

Date: August 9, 2015

Respectfully submitted,

/Robert C. Curfiss/

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