

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,
Petitioner

v.

E-WATCH, INC.
Patent Owner

Case IPR2015-00404
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

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, Petitioner LG Electronics, Inc. (“LG”) 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 LG 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.

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 September 21, 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.

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 hereby certify that, to the best of their knowledge, the document sought to be protected has not been made publicly available.

There are no collateral agreements referred to in the parties' agreement. As stated in 35 U.S.C. § 317(a), because LG and e-Watch jointly request this termination, it is understood that no estoppel under 35 U.S.C. § 315(e) shall attach to LG. As provided in 37 C.F.R. § 42.73(d)(3), because no adverse judgment has been entered, it is also understood that, as to e-Watch, no estoppel under 37 C.F.R. § 42.73(d)(3) shall attach to e-Watch.

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	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	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

On September 3, 2015, LG and e-Watch advised the Board that they have reached a settlement, and sought authorization to file a joint motion to terminate the proceeding. The Board authorized the filing of a joint motion to terminate this

proceeding on September 8, 2015. Per the Board's Order, the parties understood that the joint motion is to include a request that the agreement be treated as business confidential information as specified in 37 C.F.R. § 42.74(c) and that the Settlement Agreement was to be filed in PRPS under the designation of "Parties and Board Only."

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: September 11, 2015

Respectfully submitted,

/Robert C. Curfiss/

Robert C. Curfiss
Reg. No. 26,540
19826 Sundance Drive
Humble, Texas 77346
Lead Counsel for Patent Owner

Attorney for Patent Owner

/Timothy W. Riffe/

Timothy W. Riffe
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, MN 55402
IPR18768-0065IP1@fr.com
Telephone: (202) 783-5070

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.