

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KYOCERA COMMUNICATIONS, INC.,
Petitioner,

v.

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

Case IPR2015-00406
Patent 7,365,871

JOINT MOTION TO TERMINATE

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, Petitioner Kyocera Communications, Inc. (“Kyocera”) and Patent Owner e-Watch Corporation and e-Watch, Inc. (“e-Watch”) jointly move to terminate the present *inter partes* review proceeding, 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 Kyocera 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 1016. 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 request the agreement be treated as business confidential information, be kept separate from the file of the involved patents, and be made available only to Federal Government agencies on written 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).

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. Indeed, there has been no institution decision yet. 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 or other factors militate against termination of this proceeding. In the interest of judicial economy and reducing costs, both Patent Owner and Petitioner believe this *inter partes* review should be terminated.

Although the patent-at-issue in this *inter partes* review proceeding has been asserted against certain Defendants in civil litigation, none of these Defendants have sought to join this *inter partes* review proceeding. 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	Pending	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. Sony Corporation, Sony Mobile Communications AB, and Sony Mobile Communications (USA), 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.

Dated: June 30, 2015

Respectfully submitted,

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