

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC.,  
SAMSUNG ELECTRONICS LTD; and  
SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioners

v.

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

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Case IPR2015-00414<sup>1</sup>  
Patent No. 7,643,168

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

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<sup>1</sup> Case IPR2015-00611 has been joined with this proceeding.

Pursuant to 35 U.S.C. §317 and 37 C.F.R. §42.74, Petitioner Samsung Electronics Ltd. and Samsung Electronics America, Inc. (“Samsung”) and Patent Owner e-Watch, Inc. and e-Watch Corporation (“e-Watch”) jointly move to terminate the present *inter partes* review proceedings with respect to Petitioner Samsung only, in light of the parties’ resolution of their dispute relating to U.S. Patent No. 7,643,168 (“the ’168 patent”).

Termination with respect to Petitioner Samsung 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 with respect to Samsung. Petitioner Apple, Inc. has indicated that it does not oppose termination of this *inter partes* review with respect to Petitioner Samsung only.

As required by 35 U.S.C. § 317(b), the parties are filing, concurrently herewith, a true copy of their written agreement as Exhibit 1012. 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 to treat the settlement agreement as confidential business information 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).

Moreover, strong public policy considerations favor settlement between parties to an *inter partes* review proceeding.

The status of all district court cases involving U.S. Patent No. 7,643,168 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	Terminated	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, but termination imminent	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	Terminated	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

The status of all *inter partes* reviews (“IPR”) involving U.S. Patent No.

7,643,168 is presented below.

IPR	Status
IPR2015-00543 joined to IPR2014-00989	Terminated
IPR2015-00401	Terminated
IPR2015-00407	Not Instituted
IPR2015-00408	Terminated
IPR2015-00611 joined to IPR2015-00414	Pending
IPR2015-00607	Terminated

For the foregoing reasons, Samsung and e-Watch jointly and respectfully request that the instant proceedings be terminated with respect to Petitioner Samsung only.

Date: October 9, 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 e-Watch**

/Steven L. Park/  
Paul Hastings, LLP  
1170 Peachtree Street, NE  
Suite 100  
Atlanta, GA 30309  
[stevenpark@paulhastings.com](mailto:stevenpark@paulhastings.com)  
Telephone: (404) 815-2223

**Attorney for Petitioner Samsung**

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