

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioner

v.

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

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Case IPR2015-00610  
Patent No. 7,365,871

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**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 Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung” or “Petitioner”) and Patent Owner e-Watch, Inc. and e-Watch Corporation (“e-Watch” or “Patent Owner”) jointly move to terminate the present *inter partes* review proceeding with respect to both 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 and Patent Owner 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 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. Indeed, the Office Patent Trial Practice Guide provides:

N. Settlement. There are strong public policy reasons to favor settlement between the parties to a proceeding. The Board will be available to facilitate settlement discussions, and where appropriate, may require a settlement discussion as part of the proceeding. The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.

The Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14 2012). This proceeding is still in its early stages. e-Watch’s Patent Owner Response is not due until September 30, 2015. Moreover, 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    | 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  | E.D. Tex. | 12/13/13 | Pending,   | 13-01063  |

|  |           |          |                                   |          |
|--|-----------|----------|-----------------------------------|----------|
| Corporation v. HTC Corporation and HTC America, Inc.   |           |          | but termination imminent          |          |
| 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 | Pending, but termination imminent | 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. 7,365,871 is presented below.

| IPR                                   | Status   |
|---------------------------------------|--|
| IPR2015-00541 joined to IPR2014-00987 | Pending, but motion to terminate filed               |
| IPR2014-00439                         | Terminated   |
| IPR2015-00406                         | Not Instituted                                       |
| IPR2015-00404                         | Pending, but motion to terminate filed               |
| IPR2015-00402                         | Terminated   |
| IPR2015-00610                         | Pending, but parties filing this motion to terminate |
| IPR2015-00411                         | Not Instituted                                       |
| IPR2015-00413                         | Not Instituted                                       |
| IPR2015-00612                         | Not Instituted                                       |
| IPR2015-01366                         | No Decision on institution yet                       |
| IPR2015-00412                         | Pending  |

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 17, 2015

Respectfully submitted,

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