

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BMW OF NORTH AMERICA, LLC and
BMW MANUFACTURING CO., LLC,

Petitioners,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,

Patent Owner.

Inter Partes Review of U.S. Patent No. 6,886,956
IPR2015-00934

JOINT MOTION TO TERMINATE PROCEEDING

Pursuant to 35 U.S.C. §317(a), Petitioners BMW of North America, LLC and BMW Manufacturing Co., LLC (“Petitioners”) and Patent Owner Innovative Display Technologies LLC (“Patent Owner”) jointly request termination of this *inter partes* review of U.S. Patent No. 6,886,956 (“the ’956 patent”).

Termination is appropriate because the parties have entered into a settlement agreement that resolves all underlying disputes between the parties with respect to the ’956 patent, including the present *inter partes* review proceeding IPR2015-00934. The petition for review was filed on March 24, 2015. The Board has not entered a decision regarding institution. “Generally the Board expects that a proceeding will terminate after the filing of a settlement agreement.” *Oracle Corp. v. Cmty. United IP, LLC*, CBM2013-00015, Paper 13 (July 25, 2013) (citing Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48756-66 (Aug. 14, 2012)).

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the parties’ written settlement agreement is being filed as an exhibit contemporaneously with this joint motion to terminate. (Ex. 1007, Settlement Agreement). The settlement agreement has been filed for access by the “Parties and Board Only.” The parties desire that the settlement agreement be maintained as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), and have filed a separate request to that effect. As part of the settlement agreement, the parties have agreed to move for dismissal of the related district

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court litigation *Innovative Display Technologies LLC v. BMW of North America, LLC et al.*, No. 2:14-cv-00106 (E.D. Tex.), and to jointly request termination of the pending *inter partes* review 2015-00933 filed by Petitioners against Patent Owner's U.S. Patent No. 6,508,563. The district court litigation was dismissed on July 6, 2015. (Ex. 1008, Order to Dismiss with Prejudice).

The filing of this joint motion was authorized by the Board in an e-mail communication on July 8, 2015.

For the foregoing reasons, Petitioners and Patent Owner jointly and respectfully request that the Board terminate this proceeding in its entirety.

Respectfully submitted,

Date: July 9, 2015

/Jeffrey D. Sanok/
Jeffrey D. Sanok
Reg. No. 32169
Jonathan M. Lindsay
Reg. No. 45810
Crowell & Moring LLP
1001 Pennsylvania Avenue NW
Washington, DC 20004-2595
Tel.: (202) 624-2500
Fax.: (202) 628-5116
jsanok@crowell.com
jlindsay@crowell.com

*Counsel for Petitioners
BMW of North America, LLC and
BMW Manufacturing Co., LLC*

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/George W. Webb/

George W. Webb III

Reg. No. 60737

Amir Alavi

Pending *Pro Hac Vice* Motion

Brian Simmons

Pending *Pro Hac Vice* Motion

Ahmad, Zavitsanos, Anaipakos, Alavi
& Mensing P.C.

1221 McKinney, Suite 3460

Houston, TX 77010

Tel.: (713) 655-1101

Fax.: (713) 655-0062

gwebb@azalaw.com

aalavi@azalaw.com

bsimmons@azalaw.com

Counsel for Patent Owner

Innovative Display Technologies LLC

CERTIFICATE OF SERVICE

The undersigned certifies that, on this 9th day of July 2015, true and correct copies of the foregoing JOINT MOTION TO TERMINATE PROCEEDING, together with Exhibits 1007 and 1008, were served by Petitioners via Federal Express™ on the attorney of record for the patent owner, with a courtesy copy being sent by electronic e-mail to the attorneys of record in the co-pending litigation, at the following addresses:

**Attorney of Record
for Patent Owner:** George W. Webb III
Reg. No. 60,797
E-mail: gwebb@azalaw.com
Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing PC
1221 McKinney, Suite 3460
Houston, TX 77010
Tel: (713) 655-1101
Facsimile: (713) 655-0062

**Attorneys of Record
in Co-Pending
Litigation:** Demetrios Anaipakos
Ahmad, Zavitsanos, Anaipakos, Alavi & Mensing PC
3460 One Houston Center
1221 McKinney Street
Houston, Texas 77010-2009

/Jonathan Lindsay /
Jonathan M. Lindsay
Reg. No. 45,810
CROWELL & MORING LLP
1001 Pennsylvania Avenue NW
Washington, DC 20004-2595
Tel.: (949) 263-8400
Fax.: (949) 263-8414
JLindsay@crowell.com