

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,
Patent Owner

Case IPR2015-01724
Patent 5,915,210

**JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317**

Pursuant to 35 U.S.C. § 317(a), Samsung Electronics Co., Ltd. (“Samsung” or Petitioner) and Mobile Telecommunications Technologies, LLC (“Patent Owner”) (jointly, the “Parties”) jointly request termination of IPR2015-01724, which is directed to U.S. Patent No. 5,915,210 (the “210 Patent”).

On August 13, 2015, Samsung filed a Petition for *Inter Partes* Review (“Samsung IPR” – which is the above-captioned *Inter Partes* Review) before the United States Patent Trial and Appeal Board (“the Board”). Patent Owner’s preliminary response was filed on November 23, 2015.

Patent Owner has not filed a response, and one is not due until May 18, 2016. No final written decision on the merits of this *inter partes* review proceeding has been entered. The Parties have settled their dispute, and have reached agreement to terminate this *inter partes* review.

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed.Reg. 48,756, 48,768 (Aug. 14, 2012). The Board authorized the filing of the instant Motion in an email dated April 13, 2016. IPR2013-00428, Paper No. 56 provides guidance as to the content of a motion to terminate. There, the Board indicates that a joint motion, such as this one, should (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue, and the status of each; and (3)

identify any related proceedings currently before the Office. IPR2013-00428, Paper No. 56 at 2. This Motion satisfies each of the above requirements.

Indeed, the Parties have entered into a Settlement Agreement, and a true copy of the same is attached hereto as Exhibit 2001, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b).¹ The Parties desire that the Settlement Agreement (Exhibit 2001) be maintained as business confidential information under 37 C.F.R. §42.74(c) and a separate joint request to that effect is being filed on even date herewith.

1. Reasons Why Termination is Appropriate.

Under 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter 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.” With respect to Samsung, termination is appropriate because a final written decision has not been reached in this Review. Indeed, Patent Owner has not yet filed its Response, nor has Samsung filed responsive papers. Termination of this proceeding with respect to Samsung is further appropriate because, if this Motion is granted, Samsung will

¹ The Settlement Agreement is being filed electronically via the Patent Review Processing System (PRPS) as “Board Only.”

not be participating as a party in this proceeding going forward. To this point, the Parties have settled their dispute and executed the earlier-referenced Settlement Agreement to terminate this proceeding as to Samsung, as well as the Parties' related district court litigation. The Parties agree that this district court litigation will be dismissed per the Parties' Settlement Agreement. For all these reasons, the Parties respectfully request termination of this proceeding with respect to Samsung.

Moreover, Petitioner, Samsung, does not oppose Patent Owner in seeking termination of this *inter partes* review proceeding altogether.

Because § 317(a) indicates that the USPTO is not required to terminate an *inter partes* review when no petitioner remains in the proceeding, Patent Owner provides its own additional comments as to why termination with respect to Patent Owner is proper in *Patent Owner's Explanation as to Why Termination Is Appropriate*, attached hereto as Exhibit 2002.

2. All parties in any pending related litigation involving the patents at issue, and current status of each such related litigation.

All parties involved in litigations related to the '210 Patent are identified in the table that follows.

Case Name	Case No.	Court	Defendants	Status
Mobile Telecommunications Technologies, LLC v. Samsung Electronics Co., Ltd., et al.	No. 2:13-cv-183	E.D. TX.	Samsung Electronics Co., Ltd., et al.	Pending awaiting trial
Mobile Telecommunications Technologies, LLC v. Time Warner Cable Inc., et al.	No. 2:16-cv-007	E.D. TX.	Time Warner Cable Inc., Time Warner Cable Enterprises LLC, and Time Warner Cable Texas LLC	Pending awaiting trial
Mobile Telecommunications Technologies, LLC v. Bright House Networks, LLC	No. 2:16-cv-008	E.D. TX.	Bright House Networks, LLC	Pending awaiting trial
Mobile Telecommunications Technologies, LLC v. Charter Communications, Inc.	No. 2:16-cv-009	E.D. TX.	Charter Communications, Inc.	Pending awaiting trial
Mobile Telecommunications Technologies, LLC v. Cox Communications, Inc.	No. 2:16-cv-010	E.D. TX.	Cox Communications, Inc.	Pending awaiting trial
Mobile Telecommunications Technologies, LLC v. Aruba Networks, Inc., et al.	No. 2:16-cv-012	E.D. TX.	Aruba Networks, Inc., Hewlett Packard Enterprise Company and HP Inc.	Pending awaiting trial
Mobile Telecommunications Technologies, LLC v.	No. 2:16-cv-013	E.D. TX.	Brocade Communications Systems, Inc.	Pending awaiting trial

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.