

Filed on behalf of: Unified Patents Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.

Petitioner

v.

FO2GO LLC

Patent Owner

IPR2016-00454

U.S. Patent No. 7,173,651

**Apparatus and System for Prompt Digital Photo
Delivery and Archival**

JOINT MOTION TO TERMINATE UNDER 35 U.S.C. § 317(a)

I. JOINT MOTION TO TERMINATE

Pursuant to 35 U.S.C. § 317(a), Petitioner Unified Patents Inc. (“Unified”) and Patent Owner FO2GO LLC (“FO2GO”) jointly request termination of the Inter Partes Review of U.S. Patent 7,173,651, IPR2016-00454.

On March 15, 2016, the Parties informed the Board of a settlement and requested authorization to file a joint motion to terminate the proceeding. The parties acknowledge that they have entered into a settlement agreement that contemplates the termination of the case prior to a decision on the merits.

Unified filed its petition for inter partes review on January 11, 2016. FO2GO has not yet filed a Patent Owner Preliminary Response. The Board has not issued an institution decision regarding IPR2016-00454 and U.S. Patent 7,173,651. Because the Board has not decided the merits of the proceeding, “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. 48756, 48768 (Aug. 14, 2012). Thus, termination of this IPR is appropriate.


The parties have signed a written Settlement Agreement, and a copy shall be filed with this Office as business confidential information pursuant to 35 U.S.C. § 317(b). As stated in 35 U.S.C. § 317(a), because Unified and FO2GO request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach to Unified.

Ending this IPR early promotes the Congressional goal of establishing a more efficient patent system by limiting unnecessary and counterproductive costs by both the parties and the Board. See 77 Fed. Reg. 48,680 (Aug.14, 2012). Permitting termination as to all parties provides certainty and fosters an environment that promotes settlements, creating a timely, cost-effective alternative to litigation.

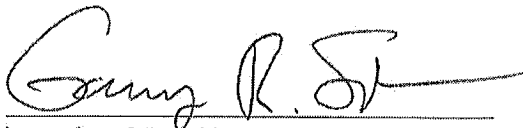
II. CONCLUSION

Unified and FO2GO respectfully request termination of the Inter Partes Review of U.S. Patent 7,173,651, IPR2016-00454. The USPTO is authorized to charge any fees or credit any overpayments to Deposit Account No. 50-2469.

Respectfully submitted,

By: 
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Patent Owner has been served by providing a copy of this Joint Motion to Terminate via electronic mail on March 18, 2016, to the following practitioners:

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