

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASUSTEK COMPUTER, INC. and ASUS COMPUTER INTERNATIONAL,
Petitioners

v.

AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE. LTD.,
Patent Owner.

Case No. IPR2016-00646
U.S. Patent No. 5,870,087

**JOINT MOTION BY PETITIONERS AND PATENT OWNER TO
TERMINATE PROCEEDING PURSUANT TO
35 U.S.C. § 317 and 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioners ASUSTeK Computer, Inc. and ASUS Computer International (“ASUS”) and Patent Owner Avago Technologies General IP (Singapore) Pte. Ltd. (“Avago”) jointly request termination of the *inter partes* review of U.S. Patent No. 5,870,087 (“the 087 Patent”), Case No. IPR2016-00646. The Board authorized the parties to file this Joint Request on May 15, 2017 via telephone.

I. Termination of Case No. IPR2016-00646 Would Be Appropriate.

Termination of IPR2016-00646 by the Board would be appropriate. The parties have executed a settlement agreement that resolves all of their disputes concerning the 087 Patent—expressly including the present IPR—and the Board has not yet conducted an oral hearing. Motions to terminate based on settlement are routinely granted in the post-institution, pre-oral hearing timeframe. *See, e.g., Oracle Amer. Inc., et al. v. Realtime Data LLC*, Case IPR2016-00373 (PTAB Apr. 11, 2017) (Paper 30 at 3); *Nike, Inc. v. Point 3 Basketball, LLC*, Case No. IPR2016-00396 (PTAB Feb. 22, 2017) (Paper 20 at 3); *Amer. Megatrends, Inc., et al. v. Kinglite Holdings Inc.*, Case IPR2016-00114 (PTAB Dec. 13, 2016) (Paper 22 at 2). Accordingly, good cause exists to terminate the proceedings based on settlement as the Board has not yet conducted an oral hearing or otherwise resolved the merits of the Petition.

As set forth in 35 U.S.C. § 317 and 37 C.F.R. § 42.74, the agreement has been made in writing in the form of a settlement agreement executed by the parties, and a true and correct copy of that settlement agreement has been filed as Exhibit No. 2007.

The parties hereby represent that the document filed as Exhibit 2007 represents all agreements made in connection with, or in contemplation of, the termination of this proceeding. All such agreements have been filed with the Board as required by § 317(b) and 37 C.F.R. § 42.74(b).

As stated in 35 U.S.C. § 317(a), because ASUS and Avago request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach as to Petitioner ASUS.

II. Conclusion.

Therefore, ASUS and Avago respectfully request termination of the *inter partes* review of U.S. Patent No. 5,870,087, Case No. IPR2016-00646.

Respectfully submitted,

Date: May 16, 2017

By: s/ Christopher TL Douglas
Christopher TL Douglas
Registration No. 56950
Lead Counsel for Petitioner

Date: May 16, 2017

By: s/ Kristopher L. Reed
Kristopher L. Reed
Registration No. 58694
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this **JOINT MOTION BY PETITIONERS AND PATENT OWNER TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317 and 37 C.F.R. § 42.74** has been served May 16, 2017 via electronic service:

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Dated: May 16, 2017

s/ Kristopher L. Reed
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