

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION

Petitioner

v.

WINDY CITY INNOVATIONS, LLC

Patent Owner

U.S. Pat. No. 8,694,657

Issue Date: April 8, 2014

Title: REAL TIME COMMUNICATIONS SYSTEM

**MICROSOFT CORPORATION AND WINDY CITY INNOVATIONS,
LLC'S JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO
37 C.F.R. § 317 AND 37 C.F.R. § 42.74**

Case No. IPR2016-01155

Pursuant to 35 U.S.C. § 317, 37 C.F.R. § 42.74, and a conference call with the Patent Trial and Appeal Board on April 19, 2017 in which the Board authorized the Parties to file the present motion, Petitioner Microsoft Corporation and Patent Owner Windy City Innovations LLC (the “Parties”) jointly request termination of the *inter partes* review of U.S. Patent No. 8,694,657, Case No. IPR2016-01155, without prejudice to either Party.

1. Termination as to the Patent Owner and Petitioner is Appropriate

The Parties have settled their dispute and have agreed to request termination of this *inter partes* review proceeding. Specifically, the Parties have settled their related district court litigation, and the case has been dismissed with prejudice. *Windy City Innovations, LLC v. Microsoft Corporation*, 4:16-cv-01729 (N.D. Cal.) (D.I. 82). On a conference call with the Board on April 19, 2017, the Board authorized the filing of this joint motion for termination.

2. Treatment of Settlement Agreement as Business Confidential Information

Pursuant to 37 C.F.R. § 42.74(c), the Parties’ settlement agreement has been made in writing and a true and correct copy of the settlement agreement is being filed concurrently with the present motion as Exhibit 2015. As per the Board’s request on the April 19, 2017 conference call, the parties also state that no other settlement agreements concerning this proceeding or the patent-at-issue exist between the Parties.

The Parties hereby jointly request that the settlement agreement be treated as business confidential information and be kept separate from the files of the above-captioned IPR pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

3. Conclusion

For the foregoing reasons, the Parties jointly and respectfully request termination of the present proceeding without prejudice to either Party.

Respectfully submitted,

Dated April 24, 2017

/Peter Lambrianakos _____/

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EXHIBIT LIST

Exhibit	Description
2015	Settlement Agreement

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)(4) & 42.105(a)

A copy of MICROSOFT CORPORATION AND WINDY CITY INNOVATIONS, LLC'S JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO 37 C.F.R. § 317 AND 37 C.F.R. § 42.74 with Exhibit 2015 has been served on Petitioner at the correspondence of the Petitioner as follows:

By Email and Priority Mail Express: Joseph A. Micallef Sidley Austin LLP 1501 K Street, N.W. Washington, D.C., 20005 iprnotices@sidley.com jmicallef@sidley.com	By Email and Priority Mail Express: John W. McBride Sidley Austin LLP One South Dearborn Chicago, Illinois 60603 jwmcbride@sidley.com
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April 24, 2017

By: /Peter Lambrianakos/

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