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Subject: RE: Sony v. One-E-Way, IPR2016-01638 and IPR2016-01639 - Request for Leave to File Opposition to Motions to Terminate
Date: Friday, February 9, 2018 1:52:11 PM

Counsel,

The request by non-parties Creative Technology Ltd. and Creative Labs, Inc. to file an opposition to the Joint Motions to Terminate in IPR2016-01638, 01639 is denied. 35 U.S.C. § 317(a) provides: “An 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. . . . If no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).” The panel will consider the Joint Motions to Terminate in IPR2016-01638, 01639 in light of 35 U.S.C. § 317(a). The panel does not believe that it is appropriate or necessary for the non-parties to file an opposition to the parties’ Joint Motions to Terminate.

Regards,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

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To the Members of The Board:

Non-parties Creative Technology Ltd and Creative Labs, Inc. (collectively “Creative”) respectfully seek leave to file an opposition to the Motions to Terminate jointly filed by the Petitioner and Patent Owner in IPR2016-01638 (Paper No. 39) and IPR2016-01639 (Paper No. 36). In its opposition, Creative intends to address the public interest that heavily favors denial of these motions to terminate.

To the extent the Board is considering granting these motions notwithstanding the advanced stage of the proceedings, Creative submits that good cause exists to allow Creative to submit a short opposition addressing the public interest since the public's interest is not otherwise represented by any of the parties to this proceeding.

Respectfully,

Jonathan D. Baker
Counsel for Non-Parties Creative Technology Ltd and Creative Labs, Inc.

Jonathan D. Baker

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