

Poplin, Justin

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, February 14, 2017 1:37 PM
To: Poplin, Justin; Interference Trial Section; Trials; adam.seitz@eriseip.com; kathleen.fitterling@eriseip.com; Quinn, Anna; Garrison, Cameron
Subject: RE: IPR2016-01866 and 1870

Counsel,

The parties are authorized to file a Joint Motion to Terminate in each of these proceedings (IPR2016-01866 and -1870). The Joint Motion must update the Board concerning the status of any litigation or proceeding, including, but not limited to proceedings in the U.S. Patent and Trademark Office, involving the subject patents, and advise the Board whether any litigation or proceeding involving the subject patents is contemplated in the foreseeable future.

The Joint Motion also must include a copy of any agreement and include a statement certifying that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the *inter partes* review. A party to a settlement may request that any written agreement be treated as business confidential information and be kept separate from the files of an involved patent. 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c). This request must be filed with the settlement.

The Joint Motion and any accompanying request to treat an agreement/settlement as business confidential must be filed by February 24, 2017.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
Direct: 571-272-5366

From: Poplin, Justin (LG) [<mailto:JPoplin@LATHROPGAGE.COM>]
Sent: Monday, February 13, 2017 5:28 PM
To: Interference Trial Section <InterferenceTrialSection@USPTO.GOV>; Trials <Trials@USPTO.GOV>; adam.seitz@eriseip.com; kathleen.fitterling@eriseip.com; Quinn, Anna (LG) <AQuinn@LATHROPGAGE.COM>; Garrison, Cameron (LG) <CGarrison@LATHROPGAGE.COM>
Subject: RE: IPR2016-01866 and 1870

The parties have settled co-pending litigation regarding U.S. Patent Nos. 8,590,757 and 9,022,260. And the parties have agreed to work together to terminate these IPR proceedings. As such, the parties request the Board's permission to file a joint motion to terminate in each proceeding and a joint motion to file settlement agreement as business confidential information in each proceeding. If necessary, the parties can be available for a telephone call before 2:00 Eastern on 2/16, or any time 2/20-2/22.

Respectfully submitted,

For Patent Owner:

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For Petitioner:

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From: Kellogg, Andrew [<mailto:Andrew.Kellogg@USPTO.GOV>] **On Behalf Of** Interference Trial Section
Sent: Thursday, February 09, 2017 10:29 AM
To: adam.seitz@eriseip.com; kathleen.fitterling@eriseip.com; Poplin, Justin; Quinn, Anna
Cc: Trials
Subject: IPR2016-01866 and 1870

Counsel,

It has come to the Board's attention that a Joint Notice of Settlement has been filed in a related district court proceeding involving the parties and U.S. Patent Nos. 8,590,757 and 9,022,260 (see attached). Given this development in the related proceeding, the parties are instructed to jointly email the Board, by 5pm ET February 15, 2017, of what, if any, effect the parties believe this development in the district court case will have on IPR2016-01866 and -1870.

Regards,

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