

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SONY CORPORATION

Petitioner,

v.

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

Patent Owner.

Patent No.: 5,870,087

---

*Inter Partes* Review No. IPR2017-00520

---

**UNOPPOSED MOTION TO DISMISS THE PETITION**

*Unopposed Motion to Dismiss the Petition*  
IPR2017-00520

Pursuant to 35 U.S.C. § 317(a), Sony Corporation (“Petitioner”) and Avago Technologies General IP (Singapore) PTE. LTD. (“Patent Owner”) jointly request termination of this *inter partes* review (IPR) of U.S. Patent 5,870,087, Case No. IPR2017-00520.

Petitioner and Patent Owner have settled their disputes, and have reached agreement to terminate this IPR. In accordance with 37 C.F.R. § 42.20(b), the parties sought, and received via email, authorization from the Board to file this motion on June 12, 2017.

Termination of this proceeding is proper for at least the following reasons:

- Petitioner and Patent Owner are jointly requesting termination. 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012) (“There are strong public policy reasons to favor settlement between the parties to a proceeding.”).
- This IPR proceeding is in an early stage. Petitioner and Patent Owner have not yet completed briefing, and Oral Argument has not taken place. The Board has not yet “decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a); 77 Fed. Reg. 48768 (“The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.”). Because the Board has not yet decided the merits of the proceeding at the time this motion for termination is filed, this supports the

*Unopposed Motion to Dismiss the Petition*  
IPR2017-00520

propriety of terminating this proceeding. 77 Fed. Reg. 48680, 48686 (Aug. 14, 2012).

- The pending district court litigation regarding the '087 patent, *Broadcom Corp. et al. v. Sony Corp. et al.*, No. 16-cv-1052 (C.D. Cal. 2016), has been settled as part of a broader settlement of disputes between the Patent Owner and Petitioner.
- Patent Owner states that the following matters are currently pending litigations and/or proceedings involving the '087 Patent:
  - *Avago Technologies General IP v. Asustek Computer, Inc.* (N.D. Cal. 3:16-cv-451 (2016))
    - Status: the parties executed a settlement agreement that provides for the dismissal of this action. [See ECF No. 76] and filed on June 13, 2017, a Joint Motion to Dismiss this case [ECF No. 78], for which the parties are waiting a final Order by the Court.
  - *Broadcom Corporation et al v. Amazon.com, Inc. et al.* (C.D. Cal. No. 8:16-cv-1774 (2016))
- Patent Owner further states that there is no other litigation or proceeding involving the '087 Patent contemplated in the foreseeable future.

*Unopposed Motion to Dismiss the Petition*  
IPR2017-00520

- Termination of this proceeding would avoid further unnecessary legal costs.

The settlement agreement between the parties has been made in writing, and a true and correct copy has been filed as Exhibit 1012 to this motion as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b)-(c). The parties hereby certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding.

Date: June 15, 2017

Respectfully submitted,

/s/ Daniel S. Young

Daniel S. Young, Reg. No. 48,277  
Chad E. King, Reg. No. 44,187  
SWANSON & BRATSCHUN, LLC  
8210 Southpark Terrace  
Littleton, CO 80120  
(303) 268-0066 (telephone)  
(303) 268-0065 (facsimile)

*Counsel for Patent Owner*

/s/ Gregory S. Arovas

Gregory S. Arovas, P.C. (Reg. No. 38,818)  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
greg.arovas@kirkland.com  
Telephone: (212) 446-4800

*Counsel for Petitioner*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served on June 15, 2017 via email to the following addresses:

- [dyoung@sbiplaw.com](mailto:dyoung@sbiplaw.com)
- [cking@sbiplaw.com](mailto:cking@sbiplaw.com)

*/s/ Gregory S. Arovas*