

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION and POLYCOM, INC.
Petitioners,

v.

REALTIME ADAPTIVE STREAMING LLC
Patent Owner.

Case IPR2018-01299	Patent 9,762,907
Case IPR2018-01413	Patent 9,769,477
Case IPR2018-01439	Patent 8,929,442

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEWS

Patent Owner Realtime Adaptive Streaming LLC and Petitioners Sony Corporation and Polycom, Inc. have reached a settlement. Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, the parties jointly request termination of the *inter partes* reviews of U.S. Patent Nos. 9,762,907; 9,769,477; and 8,929,442 (“Patents-in-Suit”), Cases IPR2018-01299; IPR2018-01413; and IPR2018-01439. The parties were authorized to file this Joint Motion by the Board (via email) on November 7, 2018.

As required under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the two settlement agreements that resolve the disputes in the above-captioned *inter partes* reviews relating to the Patents-in-Suit are filed herewith as exhibits. There are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination sought.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Realtime and Sony, and Realtime and Polycom are concurrently filing Joint Requests to Keep Separate, which ask the Board to treat the settlement agreements as business confidential information, and to keep them separate from the files of these proceedings and the files of the Patents-in-Suit.

I. Statement of Precise Relief Requested

The parties jointly request that the Board terminate the *inter partes* reviews of the Patents-in-Suit, Cases IPR2018-01299; IPR2018-01413; and IPR2018-

01439, in their entirety.

II. Reasons Why Termination Is Appropriate

Termination of these proceedings with respect to all parties is proper. These *inter partes* reviews are in their early stages. The Petitions were filed on June 28, 2018, July 31, 2018, and August 2, 2018, and the Board has not yet instituted review on the Petitions.

Under 35 U.S.C. § 317(a), “[a]n *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.” Because all parties request termination, and the Board has not yet decided the merits of the proceedings, the Board should terminate the proceedings with respect to Sony and Polycom.

When there are no petitioners remaining in an *inter partes* review, the Board may terminate the proceeding entirely. 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. Sony and Polycom are the only petitioners in these *inter partes* reviews. All parties support termination of these proceedings. With no petitioners remaining in the proceedings and no institution decision or final written decision on the merits, termination of these proceedings entirely is appropriate.

The lawsuit between Realtime and Polycom involving the Patents-in-Suit was dismissed on October 15, 2018. The lawsuit between Realtime and Sony

involving the Patents-in-Suit was dismissed on November 5, 2018. The parties do not contemplate any litigation or proceeding involving the Patents-in-Suit in the foreseeable future.

III. No Future Participation by Petitioners Sony and Polycom

Sony and Polycom will not be participating further in these proceedings.

IV. Conclusion

The parties have settled all disputes relating to the Patents-in-Suit. These *inter partes* reviews are in their early stages, and the Board has not entered an institution decision or a final written decision on the merits in these proceedings. Accordingly, the parties respectfully request the Board to terminate these proceedings in their entirety.

Respectfully submitted,

Date: November 7, 2018

/Kent N. Shum/

Kent N. Shum (Reg. No. 61,117)
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
kshum@raklaw.com

*Counsel for Patent Owner Realtime
Adaptive Streaming LLC*

/Eric A. Buresh/

Eric A. Buresh (Reg. No. 50,394)
Erise IP, P.A.
7015 College Blvd., Suite 700
Overland Park, KS 66211
Phone: (913) 777-5600
Eric.buresh@eriseip.com

*Counsel for Petitioners Sony
Corporation and Polycom, Inc.*

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