UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

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Case No. IPR2020-00280

Patent No. 10,027,619

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JOINT MOTION TO TERMINATE PURSUANT TO 35 U.S.C. § 317

EXHIBIT LIST	
2001	Declaration of Nathan Lowenstein in Support of Motion for *Pro Hac Vice* Admission
2002	Excerpts from CHARLES P. PFLEEGER, SECURITY IN COMPUTING (4th ed. 2006) [Pfleeger]
2003	Reserved
2004	Reserved
2005	*Registration and Authentication*, COMMONSPACES, https://www.commonspaces.eu/en/help/register/ (last visited Jun. 3, 2020) [CommonSpaces]
2006-2099	Reserved
2100	Confidential Settlement Agreement

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, the parties to this case, Petitioner Apple Inc. ("Apple" or "Petitioner") and Patent Owner SEVEN Networks, LLC ("SEVEN" or "Patent Owner") (collectively "the Parties"), jointly request termination of *inter partes* review ("IPR") of the following sixteen pending cases between the Parties. For the Board's convenience, it is noted that a Joint Motion substantially identical to this one is being filed today in each of the sixteen cases.

IPR2020-00188 (Patent 9,608,968)	IPR2020-00156 (Patent 10,110,534)
IPR2020-00157 (Patent 10,110,534)	IPR2020-00490 (Patent 9,473,914)
IPR2020-00491 (Patent 9,712,986)	IPR2020-00236 (Patent 9,369,539)
IPR2020-00285 (Patent 10,039,029)	IPR2020-00255 (Patent 9,516,127)
IPR2020-00235 (Patent 10,091,734)	IPR2020-00180 (Patent 9,648,557)
IPR2020-00266 (Patent 10,135,771)	IPR2020-00279 (Patent 9,712,476)
IPR2020-00280 (Patent 10,027,619)	IPR2020-00506 (Patent 9,769,176)
IPR2020-00584 (Patent 9,603,056)	IPR2020-00707 (Patent 9,712,476)

The Parties have resolved their disputes, and pursuant to a Settlement and License Agreement ("Settlement Agreement") that resolves their disputes now move to terminate this IPR. In accordance with 37 C.F.R. 42.20(b), the Parties jointly sought authorization to file this motion, and received such authorization from the Board on November 24, 2020.

Termination is proper for at least the following reasons:

- The Board has not yet "decided the merits of the proceeding ***before the
  request for termination is filed***." 35 U.S.C. § 317(a) (emphasis added); 77
  Fed. Reg. at 48,768 ("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."). At the time of this motion for
  termination, the Board has not yet decided the merits of any of the
  proceedings listed above. In thirteen of these cases (IPR2020-00490,
  IPR2020-00491, IPR2020-00236, IPR2020-00285, IPR2020-00255,
  IPR2020-00235, IPR2020-00180, IPR2020-00266, IPR2020-00279,
  IPR2020-00280, IPR2020-00506, IPR2020-00584, IPR2020-00707), the
  Patent Owner Response and any Motion To Amend are not yet due. In the
  other three cases (IPR2020-00188, IPR2020-00156, IPR2020-00157), the
  Petitioner's Reply is not yet due. This supports the propriety of terminating
  this proceeding. 77 Fed. Reg. 48,680, 48,686 (Aug. 14, 2012). And 35
  U.S.C. § 317(a) provides that "[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."

- The Parties are jointly requesting termination. 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012) ("There are strong public policy reasons to favor settlement between the parties to a proceeding").

- The pending related district court litigation between the Parties regarding the Patent is *SEVEN Networks, LLC v. Apple, Inc.*, No. 2:19-cv-00115 (E.D. Tex.) ("the Litigation"), as noted in both Parties' Mandatory Notices. Pursuant to the Settlement Agreement, the Parties have fully resolved their dispute regarding the Patent. Based on the above, the Parties do not anticipate any further litigation or proceedings between the Parties involving the Patent.

- The Parties are unaware of any other pending related proceedings regarding the Patent before the Board, or any other matter before the USPTO that would be affected by the requested termination of this proceeding.

- Terminations, forgoing a Final Written Decision, have been granted even where oral argument had already taken place before the Board. *See Callidus Software Inc. v. Versata Software, Inc.*, et al., CBM2013-00052, Paper 50 (Nov. 24, 2014) (terminating proceeding after Oral Argument); *Clio USA, Inc. v. Procter and Gamble Co.*, IPR2013-00438, Paper 57 (Oct. 31, 2014) (same); *Volusion, Inc. v. Versata Software, Inc.*, CBM2013-00017, Paper 53 (June 17, 2014) and CBM2013-00018, Paper 52 (June 17, 2014) (same).

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