

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS AB, SONY MOBILE
COMMUNICATIONS, INC., SONY ELECTRONICS INC., and
SONY CORPORATION,

Petitioners,

v.

ANCORA TECHNOLOGIES INC.,

Patent Owner.

U.S. Patent No. 6,411,941 B1

Case No. IPR2020-01609¹

**JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.74**

¹ Sony Mobile Communications AB, Sony Mobile Communications, Inc., Sony Electronics Inc., and Sony Corporation—who filed a petition in IPR2021-00663—were joined with this proceeding (paper 20), and original petitioners TCT Mobile (US) Inc., Huizhou TCL Mobile Communication Co. Ltd., Shenzhen TCL Creative Cloud Technology Co., Ltd. were subsequently terminated (paper 21).

I. INTRODUCTION

The parties jointly request termination of the *inter partes* review of U.S. Patent No. 6,411,941 (“the ’941 patent”), Case No. IPR2021-00663, pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board’s March 22, 2021 Order (Paper 6). This motion is joined by all parties, including Petitioners Sony Mobile Communications AB, Sony Mobile Communications Inc., Sony Electronics Inc. and Sony Corporation, and Patent Owner Ancora Technologies, Inc.

Terminating this proceeding is within the Board’s discretion. Exercising that discretion here would conserve judicial resources and promote the strong policy reasons that favor settlement.

II. PUBLIC POLICY FAVORS TERMINATING THIS PROCEEDING

The Board has discretion to terminate *inter partes* review proceedings after the parties file a settlement agreement. 35 U.S.C. § 317(a); *see also* 37 C.F.R. § 42.72. “There are strong public policy reasons to favor settlement between the parties to a proceeding.” PTAB Consolidated Trial Practice Guide, at 86 (Nov. 2019), available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>. The Board therefore terminates proceedings “after the filing of a settlement agreement, unless the Board already has decided the merits of the proceeding.” *Id.*

Termination of this proceeding is proper for the following reasons. This proceeding is at an early stage, and the Board has not decided the merits of the proceeding. 35 U.S.C. § 317(a); PTAB Consolidated Trial Practice Guide, at 86. The Board issued its institution decision on June 10, 2021 (Paper 17), which is preliminary. *See St. Jude Med., Cardiology Div., Inc. v. Volcano Corp.*, 749 F.3d 1373, 1375–76 (Fed. Cir. 2014) (“the Director’s decision whether to institute a proceeding” differs from a “decision with respect to patentability”). Patent Owner discovery has only just begun and Ancora has not yet presented evidence, including expert testimony. No motions are outstanding in this proceeding. Each of these facts supports terminating this proceeding.

The parties jointly request termination. The parties reached the mutual decision to settle this proceeding and their related district court litigation regarding the ’941 patent. The parties agree that settlement of their disputes promotes efficiency and will minimize unnecessary costs. Terminating this proceeding will consequently preserve judicial resources and enables the parties to minimize the cost of litigation.

No public interest or other factors weigh against termination of this proceeding.

The parties executed a confidential settlement agreement to terminate this proceeding. The settlement agreement is being submitted concurrently herewith. (*See* Ex. 2026.) The parties certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding. In accordance with 35 U.S.C. § 317 and 37 C.F.R. § 42.74(b), also submitted concurrently herewith is a joint request that the settlement agreement be treated as business confidential information, be kept separate from the file of the involved patent, and be made available only to the Federal Government agencies on written request, or to any person on showing of good cause under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c).

For all of the above reasons, the Board should terminate this proceeding to promote settlement and minimize unneeded expenditure of the Board's resources.

III. CONCLUSION

For at least the foregoing reasons, the parties jointly request immediate and complete termination of this proceeding.

Respectfully submitted,

| | |
|--|--|
| <p><u>/ Gregory S. Gewirtz /</u> Gregory S. Gewirtz (Reg. No.: 36,522) Jonathan A. David (Reg. No.: 36,494) LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 20 Commerce Drive Cranford, NJ 07016 Tel: 908-654-5000</p> <p><i>Counsel for Sony Petitioners</i></p> | <p><u>/David A. Gosse/</u> David A. Gosse (Reg. No. 61,511) FITCH EVEN TABIN & FLANNERY LLP 120 South LaSalle Street Suite 2100 Chicago, IL 60603 Telephone: (312) 577-7000</p> <p><i>Counsel for Patent Owner</i></p> |
|--|--|

Dated: July 14, 2021

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.