

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.

Telefonaktiebolaget LM Ericsson  
Patent Owner.

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Case IPR2022-00716  
Patent No. 9,705,400

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**JOINT MOTION TO TERMINATE PROCEEDING**

**UPDATED EXHIBIT LIST**

<b>Exhibit 1001</b>	U.S. Patent No. 9,705,400
<b>Exhibit 1002</b>	File History of U.S. Patent No. 9,705,400
<b>Exhibit 1003</b>	File History of European Patent No. EP2811646
<b>Exhibit 1004</b>	International Publication WO 2010/111433 A2 (“Smith”)
<b>Exhibit 1005</b>	United States Patent No. 5,506,493 (Stengel)
<b>Exhibit 1006</b>	Declaration of Dr. Marwan Hassoun, Ph.D. in Support of Petition for <i>Inter Partes</i> Review
<b>Exhibit 1007</b>	Curriculum Vitae of Dr. Marwan Hassoun, Ph.D.
<b>Exhibit 1008</b>	Hart, Daniel W., “ <i>Power Electronics</i> ,” McGraw-Hill, 2011
<b>Exhibit 1009</b>	Maxim Integrated, “ <i>Fundamentals of Class D Amplifiers</i> ,” Application Note 3977, Jan. 31, 2007
<b>Exhibit 1010</b>	Honda, Jun et al. “ <i>Class D Audio Amplifier Basics</i> ,” Application Note AN-1071, Internal Rectifier, Feb. 8, 2005
<b>Exhibit 1011</b>	Sattar, Abdus, “ <i>Insulated Gate Bipolar Transistor (IGBT) Basics</i> ,” IXYS Corp., 2008
<b>Exhibit 1012</b>	Dodge, Jonathan, “ <i>IGBT Tutorial</i> ,” Application Note APT0201 Rev. B, Advanced Power Technology, July 1, 2002
<b>Exhibit 1013</b>	<i>In the Matter of Certain Mobile Phones and Tablet Computers, All With Switchable Connectivity</i> , ITC-337-TA-1300, Exhibit 15A to Complaint, Complainant’s Proof of Infringement (ITC Jan. 18, 2022)
<b>Exhibit 1014</b>	<i>In the Matter of Certain Mobile Phones and Tablet Computers, All with Switchable Connectivity</i> , ITC-337-TA-1300, Proposed Scheduling Order (ITC Mar. 11, 2022)
<b>Exhibit 1015</b>	Confidential Settlement Agreement

Petitioner Apple Inc. (“Apple” or “Petitioner”) and Patent Owner Telefonaktiebolaget LM Ericsson (“Ericsson” or “Patent Owner”) have reached a settlement. Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Apple and Ericsson move to terminate the present *inter partes* review proceeding.

## **I. STATEMENT OF FACTS**

Apple and Ericsson (collectively, the “Settling Parties”) have reached an agreement (the “Settlement Agreement”) to resolve their disputes.

Pursuant to 37 C.F.R. § 42.74(b), the Settlement Agreement is in writing, and a true and correct copy is being filed as Exhibit 1015. The Settlement Agreement is being filed electronically with access to “Board and Parties Only.” A “*Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74*” is being filed concurrently with this Joint Motion to Terminate, to treat the Settlement Agreement as business confidential information and to keep it separate from the files of the involved patent pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

## **II. RELIEF REQUESTED**

Termination of this *inter partes* review is requested, and the Settling Parties respectfully submit that such termination is justified. “There are strong public policy reasons to favor settlement between the parties to a proceeding.” Consolidated Trial Practice Guide 86 (Nov. 2019). “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.” *Id.* (citing 35 U.S.C. §§ 317(a)).

The Board should terminate this proceeding, as the Settling Parties jointly request, for the following reasons.

**First**, Apple and Ericsson have met the statutory requirement that they file a “joint request” to terminate before the Office “has decided the merits of the proceeding.” 35 U.S.C. § 317(a). Under section 317(a), an *inter partes* review shall be terminated upon such joint request “unless the Office has decided the merits of the proceeding before the request for termination is filed.” There are no other preconditions recited in 35 U.S.C. § 317(a).

**Second**, Apple and Ericsson have reached a settlement as to all the disputes in this proceeding and as to the ’400 patent. A true copy of the settlement agreement is being filed concurrently herewith. *See* Confidential Exhibit 1015. Apple and Ericsson request that the settlement agreement be treated as business confidential information and be kept separate from the files of this proceeding in accordance with 37 C.F.R. § 42.74(c). No other such agreements, written or oral, exist between or among the Settling Parties.

**Third**, termination would save significant further expenditure of resources by the Settling Parties. Termination upon settlement, as requested, would also further the purpose of *inter partes* review proceedings, which seek to provide an efficient

and less costly alternative forum for patent disputes. Further, maintaining the proceeding would discourage further settlements, as patent owners in similar situations would have a strong disincentive to settle if they perceived that an *inter partes* review would continue regardless of a settlement.

### III. CONCLUSION

For the foregoing reasons, Apple and Ericsson respectfully request termination of this *inter partes* review.

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