

**From:** [Trials](#)  
**To:** [Cook, Elliot](#)  
**Cc:** [Brett Cooper](#); [robert@auchterlaw.com](mailto:robert@auchterlaw.com); [Jarratt, Scott](#); [Andy Ehmke IPR](#); [Scott Jarratt IPR](#); [Jordan, Dan](#); [Berntsen, Matthew](#); [MacDonald, Luke](#); [Trials](#)  
**Subject:** RE: Case Nos. IPR2022-01354, IPR2022-01309, IPR2022-01559, and IPR2022-01543 - Joint Motions to Terminate  
**Date:** Tuesday, April 4, 2023 2:29:10 PM

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Counsel:

The respective panels authorize the parties to file a joint motion to terminate and/or dismiss the petitions in IPR2022-01354, IPR2022-01309, IPR2022-01559, and IPR2022-01543, and to dismiss Petitioner Volkswagen Group of America, Inc. in IPR2022-00529, provided that each filing includes an exhibit containing a true copy of any and all agreements made in connection with or contemplation of the requested termination, including any collateral agreements. *See* 35 U.S.C. § 317(b) (governing post-institution settlements); 42.74(b) (governing settlements in general). In addition, the respective panels authorize the parties to file a joint request to treat the agreement as business confidential under 37 C.F.R. § 42.74(c) in each case. That request may be part of the joint motion to terminate or may be a separate paper, and the exhibit containing the agreement(s) may be filed "For Board and Parties Only."

The statutory due date for a respective decision on institution in IPR2022-01543 and IPR2022-01559 is April 13, 2023. Therefore, to ensure the respective panels are able to process any motions prior to rendering a decision on institution in each of these two cases, the parties must file any settlement motions/exhibits on or before April 10, 2023. Otherwise, the respective panels will render a decision on institution in those cases on or after April 11, 2023. In any event, the panels request the parties to inform the Board as soon as possible as to the intended date of filing of any settlement motions/exhibits. The parties are responsible for ensuring that the filings are without deficiencies or do not create unique circumstances that may raise issues. Given the impending due date for a decision on institution, there may not be time prior to the due date to cure any deficiency or address any unique circumstances.

Regards,

Esther Goldschlager  
Supervisory Paralegal Specialist  
Patent Trial & Appeal Board  
U.S. Patent & Trademark Office

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**From:** Cook, Elliot <Elliot.Cook@finnegan.com>  
**Sent:** Monday, April 3, 2023 3:21 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** Brett Cooper <bcooper@bc-lawgroup.com>; robert@auchterlaw.com; Jarratt, Scott <Scott.Jarratt@haynesboone.com>; Andy Ehmke IPR <andy.ehmke.ipr@haynesboone.com>; Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Jordan, Dan <Dan.Jordan@finnegan.com>; Berntsen, Matthew <Matthew.Berntsen@finnegan.com>; MacDonald, Luke <Luke.MacDonald@finnegan.com>

**Subject:** Case Nos. IPR2022-01354, IPR2022-01309, IPR2022-01559, and IPR2022-01543 - Joint Motions to Terminate

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To the Honorable Board,

The parties to the below-captioned matters would like to request the Board's permission to file (1) a joint motion to terminate these proceedings based on a settlement agreement and (2) a joint motion to treat the settlement agreement as business confidential information. All parties to these proceedings agree to this joint request.

- **IPR2022-01354:** U.S. Patent No. 10,546,685
- **IPR2022-01309:** U.S. Patent No. 10,193,392
- **IPR2022-01559:** U.S. Patent No. 7,825,537
- **IPR2022-01543:** U.S. Patent No. 10,243,400

In addition, because Case No. IPR2022-01309 was joined with Case No. IPR2022-00529, the parties request severance and termination as to petitioner in that proceeding as well. The termination of petitioner does not affect the other petitioner (Apple Inc.) in Case No. IPR2022-00529.

If the Board would like to hold a teleconference to discuss the parties' request, the parties are available at the Board's convenience.

Respectfully,  
Elliot

Reg. No. 61,769

**Elliot Cook**  
Partner

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