

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY MOBILE COMMUNICATIONS (USA) INC.
Petitioner

v.

CONTENT AGGREGATION SOLUTIONS LLC
Patent Owner

Case CBM2016-00098

U.S. Patent No. 8,756,155

JOINT MOTION TO TERMINATE PROCEEDING

I. PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 327(a), Petitioner Sony Mobile Communications (USA) Inc. and Patent Owner Content Aggregation Solutions LLC jointly request that this covered business method review proceeding involving U.S. Patent No. 8,756,155 (“the ’155 Patent”) be terminated based on a settlement between Petitioner and Patent Owner (“the Parties”).

II. REASONS FOR GRANTING THE MOTION

Generally, the Board expects that a proceeding will terminate after the filing of a settlement agreement. *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). The Board authorized the filing of the instant motion on February 8, 2017. IPR2013-00428, Paper No. 56 provides guidance as to the content of a motion to terminate. There, the Board indicates that a joint motion, such as this one, should (a) include a brief explanation as to why termination is appropriate; (b) identify all parties in any related litigation involving the patent at issue; (c) identify any related proceedings currently before the Office, and (d) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding. *Id.* at 2. This motion satisfies each of the above requirements and is accompanied by a copy of the Parties’ settlement agreement, as required by 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(b).

a. Brief Explanation of Why Termination is Appropriate

Termination is appropriate because a final written decision has not been reached in this proceeding. Indeed, Petitioner filed its petition for Covered Business Method review on August 19, 2016. The Board has not yet rendered an institution decision in this proceeding.

Termination of this proceeding is appropriate because Petitioner will no longer be participating in this proceeding, and the Board has not decided the merits of the proceeding. The Parties have settled their disputes and executed a settlement agreement to terminate this proceeding, as well as the Parties' related district court litigation regarding the '155 Patent: *Content Aggregation Solutions LLC v. Sony Mobile Communications Inc. et al.*, Case No. 3:16-cv-00531 (S.D. Cal.). As to the district court litigation, on November 29, 2016, the district court found the '155 patent invalid. The district court entered final judgment on December 2, 2016. In view of the settlement agreement, the district court's invalidity decision and judgment will not be appealed, and the litigation has terminated as to all parties.

b. All Parties in Any Pending Related Litigation Involving the Patents at Issue

In addition to Sony Mobile Communications (USA) Inc., there are additional defendants in related district court litigation: Sony Mobile Communications Inc., Sony Mobile Communications AB, LG Electronics, Inc., LG Electronics USA,

Inc., Huawei Technologies Co., Ltd., Huawei Technologies (USA), Co. Ltd., Blu Products Inc., Sharp Corporation, Sharp Electronics Corporation, and ZTE Corporation. The settlement agreement terminated the district court litigation as to all of these additional defendants.

c. Related Proceedings Currently Before the Office

There is no other pending proceeding involving the '155 Patent before the Office.

d. Current Status of Each Such Related Litigation or Proceeding With Respect to Each Party to the Litigation or Proceeding

Sections II.b and c above indicate the status of each related litigation or proceeding with respect to each party to the litigation or proceeding.

III. SETTLEMENT AGREEMENT

Pursuant to 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(b), the Parties' settlement agreement is in writing, and a true and correct copy is being filed concurrently herewith as Exhibit 1021.¹ The Parties are also filing concurrently herewith a joint request under 35 U.S.C. § 327(b) and 37 C.F.R. § 42.74(c) to treat the settlement agreement as business confidential information and keep it separate from the files of the '155 Patent.

¹ The settlement agreement is being filed via the E2E system with access to the "Parties and Board only."

IV. CONCLUSION

For all of these reasons, the Parties respectfully request termination of this proceeding.

Dated: February 9, 2017

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Respectfully submitted,

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