

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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XILINX, INC.,  
Petitioner

v.

QUICKCOMPILE IP, LLC,  
Patent Owner

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Case IPR2016-00059  
Patent 7,073,158

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**JOINT MOTION BY PETITIONER AND PATENT OWNER  
TO TERMINATE PROCEEDING PURSUANT TO  
35 U.S.C. § 317 and 37 C.F.R. § 42.74**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner Xilinx, Inc. (“Xilinx”) and Patent Owner QuickCompile IP, LLC (“QuickCompile”) jointly request termination of the *inter partes* review of U.S. Patent No. 7,073,158, Case No. IPR2016-00059.

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 filing of the instant motion on April 26, 2016. Guidance as to the content of a motion to terminate is provided in IPR2013-00428, Paper No. 56. There, the Board indicated 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 the Parties’ settlement agreement, as required by 35 U.S.C. § 317(b) and 35 C.F.R. § 42.74 (b).

Termination of Case No. IPR2016-00059 by the PTAB would be appropriate. This case has not yet reached an institution decision, consequently the Board has not decided the merits of the proceeding, and no final written decision has been issued. Further, on April 20, 2016, the parties entered into a Settlement

Agreement (attached hereto as Exhibit 1025). The Settlement Agreement requires both parties to terminate various disputes, including (i) Case No. IPR2016-00059, and (ii) Patent Owner QuickCompile's Civil Action *QuickCompile IP, LLC v. Xilinx, Inc.*, 2:15-cv-00820 (ED Texas), both involving U.S. Patent No. 7,073,158, and no other actions are pending between these parties, with respect to this patent. No other litigations are pending with respect to U.S. Patent No. 7,073,158.

Therefore, termination of Case No. IPR2016-00059 is appropriate because (i) the case is at a sufficiently early stage of the trial, (ii) the parties have settled their dispute, (iii) Patent Owner has agreed to dismiss the related District Court litigation, and (iv) the parties to this case agree that this *inter partes* review should be terminated.

As set forth in 35 U.S.C. § 317 and 37 C.F.R. § 42.74, the Settlement Agreement between Xilinx and QuickCompile has been made in writing, and a true and correct copy is being filed with the Patent Office as an exhibit to this Joint Motion. As stated in 35 U.S.C. § 317(a), because Xilinx and QuickCompile request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach as to Petitioner Xilinx. Further, a joint request to treat the Settlement Agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is filed concurrently herewith.

Therefore, Xilinx and QuickCompile respectfully request termination of the *inter partes* review of U.S. Patent No. 7,073,158, Case No. IPR2016-00059.

Dated: April 26, 2016

Respectfully submitted,

/David O'Dell/

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**CERTIFICATE OF SERVICE**

The undersigned certifies, in accordance with 37 C.F.R. § 42.205, that service was made on the Patent Owner as detailed below.

*Date of service* April 26, 2016

*Manner of service* Email

*Documents served* Joint Motion To Terminate Proceeding and Its Supporting Exhibit(s)

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/David O'Dell/  
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