

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioners,

v.

CRESWELL HOLDINGS LLC,
Patent Owner.

CASE IPR2016-01090
Patent 6,340,803

**AMENDED JOINT MOTION TO TERMINATE PURSUANT TO 35 U.S.C. §
317 AND 37 C.F.R. § 42.7**

**AMENDED JOINT NOTICE OF SETTLEMENT PURSUANT TO 35 U.S.C.
§ 317(b) AND 37 C.F.R. § 42.74**

**AMENDED JOINT REQUEST TO TREAT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND
37 C.F.R. § 42.74(c)**

Pursuant to 35 U.S.C. § 317, and as authorized by the Board Order dated October 28, 2016, Petitioner Lenovo (United States) Inc. (“Lenovo”) and Patent Owner Creswell Holdings LLC (“Creswell”) jointly request termination of *Inter Partes* Review No. IPR2016-01090 (“the IPR”) involving U.S. Patent No. 6,340,803 (“the ’803 Patent”).

Creswell and Lenovo reached an agreement settling the matters in controversy among the Parties with respect to the ’803 Patent. Specifically, the district court litigation involving Petitioner Lenovo has been dismissed, *Creswell Holdings, LLC v. Lenovo (United States) Inc.*, 4:15-cv-407 (EDTX) and the parties have reached an agreement on any remaining items of controversy.

Pursuant to 37 C.F.R. § 42.74(b), the above-referenced agreement is in writing, and a true and correct copy of that document is being filed herewith as Exhibit 2002.

Creswell and Lenovo hereby jointly request that the above-referenced agreement be treated as business confidential information and be kept separate from the files of the above-captioned IPR pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). There are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.

I. BACKGROUND

Lenovo filed a petition requesting *inter partes* review of the '803 Patent on May 23, 2016. Patent Owner Creswell filed its Preliminary Response on September 6, 2016. The Board has not yet made any decision regarding institution of *inter partes* review.

Creswell and Lenovo reached an agreement settling the matters in controversy among them involving the '803 Patent, including the related proceedings before the Board.

On October 22, 2016 Creswell and Lenovo requested Board permission to file a joint motion to terminate this proceeding. On October 28, 2016, the Board authorized the filing of the requested joint motion.

II. TERMINATION IS APPROPRIATE.

Termination of the IPR is appropriate as the Board has not yet “decided the merits of th[is] proceeding.” *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). Notably, no dispute remains between the Creswell and Lenovo regarding the '803 Patent. Creswell and Lenovo have agreed to jointly request termination of the IPR, and the litigation between Creswell and Lenovo involving the same patent has been dismissed.

III. STATUS OF RELATED LITIGATIONS

As noted above, the related district court action between Patent Owner and Petitioner Lenovo has been dismissed. Lenovo and Creswell represent that the current status of the other related litigation matters is as follows:

Matter	Status
<i>Creswell Holdings LLC v. Hewlett Packard Co.</i> , Case. No. 4:15-cv-00407	Dismissed

IV. REQUEST TO TREAT THE AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION

Creswell and Lenovo hereby request that the above-referenced agreement filed concurrently herewith as Exhibit 2002 be treated as confidential business information and be kept separate from the file of the above-captioned IPR pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). There are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding.

V. CONCLUSION

For the reasons stated above, Creswell and Lenovo respectfully request that the Board terminate the IPR and treat the related agreement filed herewith as business confidential information and keep that agreement separate from the file of the above-captioned IPR.

DATED November 4, 2016.

Respectfully submitted,

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