

Filed on behalf of Unified Patents Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.  
Petitioner

v.

SENTEGRA, LLC  
Patent Owner

IPR2016-01109  
Patent 8,706,627

**JOINT MOTION TO TERMINATE  
UNDER 35 U.S.C. § 317(a)**

Pursuant to 35 U.S.C. § 317(a), Petitioner Unified Patents Inc. (“Unified”) and Patent Owner Sentegra, LLC (“Sentegra”) jointly request termination of the *Inter Partes* Review of U.S. Patent 8,706,627 in IPR2016-01109.

Petitioner and Patent Owner have entered into a written confidential settlement agreement that fully resolves all underlying disputes between the parties, including IPR2016-01109 against U.S. Patent 8,706,627. The Parties are concurrently filing a copy of the Settlement Agreement as EX1015 along with a request to treat it as confidential business information pursuant to 35 U.S.C. § 317(b). The undersigned represents that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the present proceeding and that EX1015 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.

On December 16, 2016, the Parties informed the Board of the settlement via e-mail and requested authorization to file a joint motion to terminate the proceeding with respect to both the Patent Owner and the Petitioner. As set forth in an e-mail dated January 3, 2017, the Board authorized the filing of the requested joint motion to terminate this proceeding as to both parties. Accordingly, Petitioner and Patent Owner

jointly request termination of the present proceeding.

Public policy favors terminating the present *inter partes* review proceeding. Congress and federal courts have expressed a strong interest in encouraging settlement in litigation. *See, e.g., Delta Air Lines, Inc. v. August*, 450 U.S. 346, 352 (1981) (“The purpose of [Fed. R. Civ. P.] 68 is to encourage the settlement of litigation.”); *Bergh v. Dept. of Transp.*, 794 F.2d 1575, 1577 (Fed. Cir. 1986) (“The law favors settlement of cases.”), *cert. denied*, 479 U.S. 950 (1986). The Federal Circuit places a particularly strong emphasis on settlement. *See Cheyenne River Sioux Tribe v. U.S.*, 806 F.2d 1046, 1050 (Fed. Cir. 1986) (noting that the law favors settlement to reduce antagonism and hostility between parties). And, the Board’s Trial Practice Guide stresses that “[t]here are strong public policy reasons to favor settlement between the parties to a proceeding.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 46,768 (Aug. 14, 2012).

Ending this IPR early promotes the Congressional goal of establishing a more efficient patent system by limiting unnecessary and counterproductive costs. *See Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents*, 77 Fed. Reg. 48,680 (Aug. 14, 2012). Permitting termination as to all parties provides certainty and fosters an

environment that promotes settlements, creating a timely, cost-effective alternative to litigation.

Additionally, termination of this IPR is appropriate as the Board has not yet “decided the merits of the proceeding.” *See, e.g.*, Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012). Unified filed its petition for *inter partes* review on May 27, 2016. The Board instituted a proceeding on November 29, 2016. No depositions have taken place and neither the Patent Owner nor the Petitioner have submitted any substantive briefing post-institution. The parties have now settled their dispute, and have reached agreement to terminate this *inter partes* review. The USPTO can conserve its resources through terminating the proceedings now, removing the need for the Board to further consider the arguments, to issue an Institution Decision, and to render a Final Decision. Furthermore, no other party’s rights will be prejudiced by the termination of this proceeding.

As the Board requested in its e-mail sent January 3, 2017, the parties identify the following related district court litigations involving the ‘627 Patent to which the Patent Owner is a party, and the current status of each litigation. (Petitioner is not a party to any related district court litigations.)

(1) *Sentegra, LLC v. Blackberry Limited et al.*, Case 14-cv-08389 (S.D.N.Y.). This case was voluntarily dismissed on February 27, 2015.

(2) *Sentegra, LLC v. Lenovo Group Limited et al.* Case 14-cv-09096 (S.D.N.Y.). This case was voluntarily dismissed on April 28, 2015.

(3) *Sentegra, LLC v. LG Electronics MobileComm USA, Inc. et al.*, Case 15-cv-01535 (S.D.N.Y.). This case was dismissed pursuant to a stipulated dismissal on November 18, 2015.

(4) *Sentegra, LLC v. ASUS Computer International*, Case 15-cv-03768 (S.D.N.Y.). This case was transferred to the Northern District of California, pursuant to transfer order dated June 1, 2016. The California case, *Sentegra, LLC v. ASUS Computer International*, Case 16-cv-03136 (N.D. Cal.) was voluntarily dismissed on August 29, 2016.

(5) *Sentegra, LLC v. Samsung Electronics America, Inc.*, Case 15-cv-09266 (S.D.N.Y.). This case was dismissed pursuant to a stipulated dismissal on August 23, 2016.

(6) *Sentegra, LLC v. BLU Products, Inc.*, Case 16-cv-00158 (D. Colo.). On May 5, 2016, defendant moved to dismiss for lack of personal jurisdiction. On December 20, 2016, the Court granted Sentegra's request for limited jurisdictional discovery. The case remains pending.

(7) *Sentegra, LLC v. Azend Group Corp.*, 16-cv-00263 (D. Colo.). On September 2, 2016, the clerk entered default against defendant. On

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