

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TELEFONAKTIEBOLAGET LM ERICSSON AND ERICSSON INC.

Petitioners,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,

Patent Owner.

---

Case IPR2016-01484  
Patent Number: 9,025,590

---

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

## STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 317, 37 C.F.R. § 42.74, and the Board's authorization provided on January 3, 2017, Petitioner Telefonaktiebolaget LM Ericsson and Ericsson Inc. (collectively, "Petitioner" or "Ericsson") and Patent Owner Cellular Communications Equipment LLC ("Patent Owner" or "CCE") (collectively the "Parties") jointly request dismissal of Inter Partes Review No. IPR2016-01484 pursuant to settlement. As there are no other petitioners in this proceeding and the proceeding is still at an early stage, the Parties respectfully submit that termination of this proceeding is appropriate.

## STATEMENT OF FACTS

Petitioner filed their petition in this proceeding for *Inter Partes* Review of U.S. Patent No. 9,025,590 (the "'590 Patent") on July 25, 2016. No other petitions related to the '590 Patent are pending.

Patent Owner filed its Preliminary Response to the Petition on November 14, 2016. Petitioner and Patent Owner have reached a Settlement Agreement to end their disputes in this proceeding and the underlying litigation. Pursuant to 35 U.S.C. § 317(b) and 37 CFR § 42.74(b), the agreement between the Parties is in writing, constitutes the entire understanding and agreement between the Parties, and a copy of the Settlement Agreement is submitted herewith as Exhibit 2030.

The Parties jointly request that the Settlement Agreement filed as Exhibit 2030 be treated as business confidential information and kept separate from the underlying patent file, as provided in 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), to maintain confidentiality of the settlement agreement.

### ARGUMENT

A joint motion to terminate generally “must (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue; (3) identify any related proceedings currently before the Office, and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding.” *Heartland Tanning, Inc. v. Sunless, Inc.*, IPR2014-00018, Paper 26 at 2 (PTAB Jul. 28, 2014).

The Board should terminate this proceeding as the Parties jointly request, for the following reasons.

1. Brief Explanation as to Why Termination Is Appropriate

The Parties have met the statutory requirement that they file a “joint request” to terminate before the office “has decided the merits of the proceeding.” 35 U.S.C. § 317(a). The proceeding is still at an early stage. Patent Owner filed its Preliminary Response on November 14, 2016, and no decision regarding

institution has been entered by the Board. No prior motions are pending in this proceeding except for a *pro hac vice* motion.

The Parties have reached a settlement as to the '590 Patent to end this dispute. A copy of the confidential Settlement Agreement pertaining to this case is filed concurrently herewith. *See* Ex. 2030. The Parties further jointly certify that there is no other agreement or understanding between them, including any other collateral agreements, made in connection with, or in contemplation of, the termination of the instant proceeding as set forth in 35 U.S.C. § 317(b).

The Parties respectfully submit that termination of this proceeding is appropriate because (a) this proceeding is at an early stage and no motions are outstanding; (b) the Parties have reached agreement to end their dispute concerning the '590 Patent; (c) the Parties have agreed to dismiss the related district court litigations with respect to the '590 Patent; (d) the Parties agree that this *Inter Partes* Review should be terminated; and (e) termination of this proceeding will preserve the Board's resources and obviate the need for any more Board involvement in this matter.

2. Identity and Status of Parties in Related Litigation Involving the Patent

The '590 Patent is in dispute in *Cellular Communications Equipment LLC v. AT&T Inc. et al.*, Civil Action No. 2:15-cv-00576 (E.D. Texas) (Consolidated Lead

Case); *Cellular Communications Equipment LLC v. Sprint Corporation, et al.*, Civil Action No. 2:15-cv-00579 (E.D. Texas); *Cellular Communications Equipment LLC v. T-Mobile USA, Inc., et al.*, Civil Action No. 2:15-cv-00580 (E.D. Texas); and *Cellular Communications Equipment LLC v. Verizon Communications, Inc., et al.*, Civil Action No. 2:15-cv-00581 (E.D. Texas). These cases are still being litigated. There are no other current or contemplated pending litigation proceedings involving the '590 Patent.

3. Identity and Status of Any Related Proceedings Before the Office

No other proceedings related to the '590 Patent are pending before the Office.

**CONCLUSION**

For at least the foregoing reasons, Petitioner and Patent Owner respectfully request dismissal of this *Inter Partes* Review.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.