

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL ELECTRIC CO.,

Petitioner,

v.

GROUPCHATTER, LLC,

Patent Owner.

Case IPR2017-00313

Patent 8,199,740

**JOINT MOTION TO TERMINATE PROCEEDING
PURSUANT TO 35 U.S.C. § 317**

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 7,969,959 to Dabbs, III et al. (“the ’959 Patent”)
1002	U.S. Patent No. 8,199,740 to Dabbs, III et al. (“the ’740 Patent”)
1003	U.S. Patent No. 9,014,659 to Dabbs, III et al. (“the ’659 Patent”)
1004	U.S. Patent No. 8,588,207 to Dabbs, III et al. (“the ’207 Patent”)
1005	U.S. Patent No. 5,748,100 to Gutman et al. (“Gutman”)
1006	U.S. Patent No. 5,918,158 to LaPorta et al. (“LaPorta”)
1007	U.S. Patent No. 7,409,428 to Brabec et al. (“Brabec”)
1008	U.S. Patent No. 5,644,568 to Ayerst et al. (“Ayerst”)
1009	Declaration of Bruce Deer
1010	Curriculum Vitae of Bruce Deer
1011	Patent Owner’s November 11, 2015 Complaint against Petitioner
1012	November 23, 2015 Service of Summons and Complaint
1013	Patent Owner’s August 12, 2016 First Amended Complaint against Petitioner
1014	U.S. Provisional App. No. 60/636,094 (“the ’094 Application”)
1015	Patent Owner’s July 20, 2016 Infringement Contentions against

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Petitioner in the GE Litigation

- 1016 Motorola Wireless Application Development Document
- 1017 ReFLEX Wireless Data Technology by USA Mobility
("ReFLEX Paper")
- 1018 Patent Owner's L.P.R. 6.2 Preliminary Claim Constructions in
the GE Litigation
- 1019 GE – GroupChatter Confidential Settlement and License
Agreement (Parties and Board Only)

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Pursuant to 35 U.S.C. § 317(a), Petitioner GENERAL ELECTRIC CO. (“GE” or “Petitioner”) and Patent Owner GROUPCHATTER, LLC (“GROUPCHATTER”) jointly request termination of this *inter partes* review of United States Patent No. 8,199,740, Case No. IPR2017-00313.

On November 22, 2016, Petitioner filed a Petition for *Inter Partes* Review before the United States Patent Trial and Appeal Board. Patent Owner’s preliminary response is not due until March 6, 2017. No decision as to whether to institute trial in this proceeding has yet been entered and no final written decision on the merits of this *inter partes* review proceeding has been entered. The parties have settled their dispute, and have reached agreement to terminate this *inter partes* review.

Generally, 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 24, 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 (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue, and the status of each; and (3) identify any related proceedings currently before the Office.

IPR2013-00428, Paper No. 56 at 2. This Motion satisfies each of the above requirements.

1. Reasons why termination is appropriate.

Termination of this proceeding by the PTAB is appropriate. This proceeding is currently pending; however, no decision to institute trial has yet been entered. Under 35 U.S.C. § 317(a), this proceeding “shall be terminated with respect to [] [P]etitioner” because the parties are jointly requesting termination and the Office has not yet “decided the merits of the proceeding before the request for termination is filed.” Further, GE and GROUPCHATTER have settled the underlying dispute and entered into a Settlement Agreement. The Settlement Agreement has been made in writing, and a true and correct copy is being filed herewith as Exhibit 1019, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b).¹ The parties desire that the Settlement Agreement be maintained as business confidential information under 37 C.F.R. § 42.74(c) and a separate joint request to that effect is being filed on even date herewith. Pursuant to 35 U.S.C. § 317(a), no estoppel shall attach to GE or its privies.

¹ The Settlement Agreement is being filed electronically via the PTAB E2E System as “Parties and Board Only.”

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