

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION

Petitioner,

v.

BROADCOM CORPORATION,

Patent Owner.

Patent No.: 7,616,955

Inter Partes Review No. IPR2017-00461

UNOPPOSED MOTION TO DISMISS THE PETITION

Unopposed Motion to Dismiss the Petition
IPR2017-00461

Pursuant to 35 U.S.C. § 317(a), Sony Corporation (“Petitioner”) and Broadcom Corporation (“Patent Owner”) jointly request termination of this *inter partes* review (IPR) of U.S. Patent 7,616,955, Case No. IPR2017-00461.

Petitioner and Patent Owner have settled their disputes, and have reached agreement to terminate this IPR. In accordance with 37 C.F.R. § 42.20(b), the parties sought, and received via email, authorization from the Board to file this motion on June 12, 2017.

Termination of this proceeding is proper for at least the following reasons:

- Petitioner and Patent Owner are jointly requesting termination. 77 Fed. Reg. 48756, 48768 (Aug. 14, 2012) (“There are strong public policy reasons to favor settlement between the parties to a proceeding.”).
- This IPR proceeding is in an early stage. Petitioner and Patent Owner have not yet completed briefing, and Oral Argument has not taken place. The Board has not yet “decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a) (emphasis added); 77 Fed. Reg. 48768 (“The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.”). Because the Board has not yet decided the merits of the proceeding at the time this motion for termination is filed,

this supports the propriety of terminating this proceeding. 77 Fed. Reg. 48680, 48686 (Aug. 14, 2012).

- The pending district court litigation regarding the '955 patent, *Broadcom Corp. et al. v. Sony Corp. et al.*, No. 16-cv-1052 (C.D. Cal. 2016), has been settled as part of a broader settlement of disputes between the Patent Owner and Petitioner.
- Broadcom states that there is no other pending litigation or proceeding involving the '955 Patent. Broadcom further states that there is no other litigation or proceeding involving the '955 Patent contemplated in the foreseeable future.
- Termination of this proceeding would avoid further unnecessary legal costs.

The settlement agreement between the parties has been made in writing, and a true and correct copy has been filed as Exhibit 1009 to this motion as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b)-(c). The parties hereby certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding.

Unopposed Motion to Dismiss the Petition
IPR2017-00461

Date: June 14, 2017

Respectfully submitted,

/s/ Daniel S. Young

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served on June 14, 2017 via email to the following addresses:

- dyoung@sbiplaw.com
- cking@sbiplaw.com

/s/ Gregory S. Arovas