

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RELATIVITY ODA LLC,
Petitioner

v.

BLACKBIRD TECH, LLC d/b/a BLACKBIRD TECHNOLOGIES,
Patent Owner

IPR2017-00899
Patent 7,809,717

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, Patent Owner and Petitioner jointly request termination of *Inter Partes* Review No. IPR2017-00899. The Board authorized the parties on December 4, 2017 to file this motion and a request that the settlement agreement be treated as business confidential information and be kept separate from the file of the involved patent.

Patent Owner and Petitioner respectfully submit that termination is appropriate because they have entered into a confidential written agreement fully resolving the dispute involving the patent at issue in the above-captioned *Inter Partes* Review and the litigation between Patent Owner and Petitioner.

As required under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), the parties are filing herewith a true copy of the confidential written agreement along with a request to treat it as business confidential information and keep it separate from the file of the involved patent. *See* Confidential Exhibit EX2003. The parties represent that there are no other agreements between the parties made in connection with, or in contemplation of, the termination of the present proceeding and that EX2003 represents a true and accurate copy of the agreement between the parties that resolves this proceeding.

Patent Owner has filed an unopposed motion to dismiss with prejudice the Federal Circuit appeal styled, *Blackbird Tech LLC d/b/a Blackbird Technologies v. Advanced Discovery Inc. et al.*, Appeal No. 17-2317 (Fed. Cir.), in which the

patent-at-issue had been asserted. Patent Owner represents that, after the Federal Circuit dismisses the aforementioned appeal, there will be no pending federal court litigations in which the patent-at-issue has been asserted. The patent-at-issue is not presently the subject of any other *Inter Partes* Review Petitions.

This request is proper because of the early stage of this proceeding. The *Inter Partes* Review in this matter was recently instituted by the Board on September 11, 2017, Patent Owner has not yet filed its Patent Owner Response, and no final written decision on the merits has been entered. Further, this request is proper because of the public policy favoring settlement of litigation and out-of-court resolution of proceedings before the Board. For at least these reasons, Patent Owner and Petitioner submit that termination is appropriate.

Dated: December 7, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE
UNDER 37 C.F.R. § 42.105(a)

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b), the undersigned certifies that on December 7, 2017, the foregoing document was filed in E2E and was served by electronic notice via the E2E system, as agreed to by the parties.

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