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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.

AUTOLOXER LLC

IPR2017-01271  
U.S. Patent 7,084,735

**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 Autoloxer LLC (“Autoloxer”) jointly requests dismissal and termination of the *inter partes* review proceedings concerning U.S. Patent 7,084,735 in IPR2017-01271.

Petitioner and Patent Owner have entered into a written confidential settlement agreement that resolves this matter. The parties are concurrently filing a copy of the settlement agreement as EX1025 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 EX1025 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.

On November 30, 2017, 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 Order entered on December 1, 2017, the Board authorized the filing of the requested joint motion to terminate this proceeding. 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 proceeding 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 provides certainty and fosters an environment that promotes settlements, creating a timely, cost-effective alternative to litigation.

Additionally, termination of this IPR proceeding 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 April 13, 2017. The Board instituted *inter partes* review on October 10, 2017. The parties have now settled their dispute, and have reached agreement to terminate this *inter partes* review proceeding. No substantive post-institution briefing has occurred, and no depositions have been taken or scheduled. The USPTO can conserve its resources through terminating the proceedings now, removing the need for the Board to further consider these and future arguments, hold a hearing, and render a Final Decision. Furthermore, no other party’s rights will be prejudiced by termination of this proceeding.

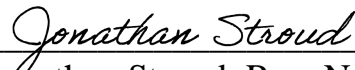
There are no pending administrative adjudications or district court litigations asserting the patent-at-issue currently pending.

Joint Motion to Terminate, IPR2017-01271  
U.S. Patent 7,084,735

Therefore, Unified and Autoloxer respectfully request termination of this *inter partes* review proceeding concerning U.S. Patent 7,084,735 (IPR2017-01271).

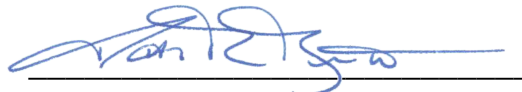
Date: Dec. 5, 2017

Respectfully submitted,



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