

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

SEVEN NETWORKS, LLC,  
Patent Owner.

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Case No. IPR2020-00235

Patent No. 10,091,734

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

<b>EXHIBIT LIST</b>	
2001	Reserved
2002	<i>Seven Networks, LLC v. Apple Inc.</i> , No. 2:19-CV-00115-JRG, Order on Amended Docket Control (Mar. 27, 2020) [Amended Docket Control Order].
2003	<i>Seven Networks, LLC v. Apple Inc.</i> , No. 2:19-CV-00115-JRG, Apple Inc.'s Notice Regarding Prior Art Reduction (Apr. 21, 2020) [Prior Art Reduction].
2004	<i>Inter Partes Review Proceedings: A Fifth Anniversary Report</i> , Perkins Coie LLP (Oct. 2017), <a href="https://www.perkinscoie.com/en/news-insights/inter-partes-review-proceedings-a-fifth-anniversary-report.html">https://www.perkinscoie.com/en/news-insights/inter-partes-review-proceedings-a-fifth-anniversary-report.html</a> [2017 Report on <i>Inter Partes</i> Review Proceedings].
2005	Michelle Umberger & Lisa Koop, <i>District Court Stays: a Review of the Past 12 Months</i> , ManagingIP.com, <a href="https://www.perkinscoie.com/images/content/1/6/v2/166020/Managing-IP-PC-Feature.pdf">https://www.perkinscoie.com/images/content/1/6/v2/166020/Managing-IP-PC-Feature.pdf</a> [District Court Stays].
2006	<i>Intellectual Ventures I LLC v. T Mobile USA, Inc.</i> , 2:17-CV-00577-JRG, Dkt. 255 (E.D. Tex. Dec. 13, 2018) [ <i>T-Mobile</i> Case].
2007	<i>Seven Networks, LLC v. Apple Inc.</i> , No. 2:19-CV-00115-JRG, Order Focusing Patent Claims and Prior Art (Jul. 31, 2019) [Order Focusing Patent Claims].
2008	<i>Seven Networks, LLC v. Apple Inc.</i> , No. 2:19-CV-00115-JRG, Seven's Notice Regarding Claim Reduction (Apr. 7, 2020) [Seven's Notice Regarding Claim Reduction].
2009	<i>Seven Networks, LLC v. Apple Inc.</i> , No. 2:19-CV-00115-JRG, Complaint (Apr. 10, 2019) [Complaint].
2010	Reserved

2011	RE: SEVEN v. Apple Motion to Amend DCO (Mar. 19, 2020) [Email from Apple's counsel].
2012	<i>Seven Networks, LLC v. Apple Inc.</i> , No. 2:19-CV-00115-JRG, Claim Construction Memorandum and Order (Mar. 31, 2020) [ <i>Markman</i> Order].
2013-2019	Reserved
2020	<i>Innovation and Awards</i> , SEVEN Networks, <a href="https://www.seven.com/about_us.innovation_awards.php">https://www.seven.com/about_us.innovation_awards.php</a> (last visited Jun. 17, 2020)
2021	Madeline Holcombe, <i>Fauci says second wave is 'not inevitable' as coronavirus cases climb in some states</i> , CNN HEALTH (Jun. 13, 2020, 10:15) <a href="https://www.cnn.com/2020/06/13/health/us-coronavirus-saturday/index.html">https://www.cnn.com/2020/06/13/health/us-coronavirus-saturday/index.html</a> [6/13 Article]
2022-2099	Reserved
2100	Confidential Settlement Agreement

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Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, the parties to this case, Petitioner Apple Inc. (“Apple” or “Petitioner”) and Patent Owner SEVEN Networks, LLC (“SEVEN” or “Patent Owner”) (collectively “the Parties”), jointly request termination of *inter partes* review (“IPR”) of the following sixteen pending cases between the Parties. For the Board’s convenience, it is noted that a Joint Motion substantially identical to this one is being filed today in each of the sixteen cases.

IPR2020-00188 (Patent 9,608,968)	IPR2020-00156 (Patent 10,110,534)
IPR2020-00157 (Patent 10,110,534)	IPR2020-00490 (Patent 9,473,914)
IPR2020-00491 (Patent 9,712,986)	IPR2020-00236 (Patent 9,369,539)
IPR2020-00285 (Patent 10,039,029)	IPR2020-00255 (Patent 9,516,127)
IPR2020-00235 (Patent 10,091,734)	IPR2020-00180 (Patent 9,648,557)
IPR2020-00266 (Patent 10,135,771)	IPR2020-00279 (Patent 9,712,476)
IPR2020-00280 (Patent 10,027,619)	IPR2020-00506 (Patent 9,769,176)
IPR2020-00584 (Patent 9,603,056)	IPR2020-00707 (Patent 9,712,476)

The Parties have resolved their disputes, and pursuant to a Settlement and License Agreement (“Settlement Agreement”) that resolves their disputes now move to terminate this IPR. In accordance with 37 C.F.R. 42.20(b), the Parties jointly sought authorization to file this motion, and received such authorization from the Board on November 24, 2020.

Termination is proper for at least the following reasons:

- 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. at 48,768 (“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.”). At the time of this motion for termination, the Board has not yet decided the merits of any of the proceedings listed above. In thirteen of these cases (IPR2020-00490, IPR2020-00491, IPR2020-00236, IPR2020-00285, IPR2020-00255, IPR2020-00235, IPR2020-00180, IPR2020-00266, IPR2020-00279, IPR2020-00280, IPR2020-00506, IPR2020-00584, IPR2020-00707), the Patent Owner Response and any Motion To Amend are not yet due. In the other three cases (IPR2020-00188, IPR2020-00156, IPR2020-00157), the Petitioner’s Reply is not yet due. This supports the propriety of terminating this proceeding. 77 Fed. Reg. 48,680, 48,686 (Aug. 14, 2012). And 35 U.S.C. § 317(a) provides that “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”

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