

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS,LLC  
Petitioner

v.

QWIKCASH, LLC  
Patent Owner

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Case No. IPR2020-00972  
Patent No. 8,714,445

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**JOINT MOTION TO TERMINATE  
*INTER PARTES* REVIEW OF U.S. PATENT 8,714,445  
UNDER 37 C.F.R. 42.72**

Pursuant to 37 C.F.R. 42.72, Petitioner Unified Patents LLC (“Unified”) and Patent Owner Qwikcash, LLC jointly request dismissal and termination of the petition for *Inter Partes* Review of U.S. Patent 8,714,445 in IPR2020-00972.

Petitioner and Patent Owner have entered into a written confidential settlement agreement that fully resolves this matter. The parties are concurrently filing a copy of the settlement agreement as EX1027 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 EX1027 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.

On September 23, 2020, the Parties informed the Board of the settlement via e-mail and requested authorization to file a joint motion to terminate the petition with respect to both the Patent Owner and the Petitioner. As set forth in an e-mail dated September 24, 2020, the Board authorized the filing of the requested joint motion to terminate this petition. Accordingly, Petitioner and Patent Owner jointly request termination of the present proceeding.

Public policy favors terminating the present petition for *inter partes* review. 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 petition for IPR 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 petition for IPR 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 May 29, 2020. The Board has not issued an Institution Decision instituting this proceeding. The parties have now settled their dispute and have reached agreement to terminate this proceeding. The USPTO can conserve its resources through terminating now, removing the need for the Board to further consider the arguments and to render an Institution Decision.

The parties note that there is one pending district court litigation in which the patent-at-issue has been asserted, *QwikCash, LLC, v. Blackhawk Networks Holdings, Inc., et al.*, No. 4:19-cv-876 (E.D. Tex. 2019). Petitioner is not a party to that proceeding. Further, there are no other USPTO proceedings pending regarding the patent-at-issue.

Therefore, the Parties respectfully request termination of this *Inter Partes* Review of U.S. Patent 8,714,445 (IPR2020-00972).

Joint Motion to Terminate, IPR2020-00972  
U.S. Patent 8,714,445 B1

Respectfully submitted,

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