

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BRANCH BANKING AND TRUST COMPANY
Petitioner

v.

EMG Technology, LLC
Patent Owner

U.S. Patent No. 7,441,196
Issue Date: October 21, 2008
Title: APPARATUS AND METHOD OF MANIPULATING A REGION ON A
WIRELESS DEVICE SCREEN FOR VIEWING, ZOOMING AND SCROLLING
INTERNET CONTENT

Covered Business Method Patent Review No. CBM2014-00145

**JOINT MOTION TO TERMINATE
UNDER 35 U.S.C. § 327**

STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 327(a) and the Board's authorization to file this motion granted in its Order entered July 24, 2014, Petitioner Branch Banking and Trust Company ("BB&T") and Patent Owner EMG Technology, LLC ("EMG") jointly request termination of Covered Business Method Patent Review No. CBM2014-00145 of U.S. Patent No. 7,441,196 (the "'196 patent"). *See* Paper No. 6.

STATEMENT OF FACTS

Review of CBM2014-00145 has not yet been instituted. BB&T filed its Petition for Covered Business Method Review on June 13, 2014. EMG has not yet filed its Preliminary Response. BB&T and EMG have settled their dispute. On July 15, 2014, BB&T and EMG jointly filed a stipulation of dismissal in the corresponding litigation, *EMG Technology, LLC v. Branch Banking and Trust Company*, No. 6:15-cv-95 (E.D. Tex.), involving the '196 patent. *See* Ex. 1027. The joint stipulation dismisses all claims against BB&T with prejudice. *Id.* On July 17, 2014, the Court granted the stipulation of dismissal with prejudice. *See* Ex. 1028.

ARGUMENT

The Board should terminate CBM2014-00145 because the review is still in its early stages and the Office has not yet decided whether to institute Covered

Business Method Review of the ‘196 patent. In addition, BB&T and EMG have settled the corresponding litigation and all claims against BB&T with respect to the ‘196 patent have been dismissed with prejudice. *See* Ex. 1028. Further, BB&T and EMG agree that this review should be terminated.

For at least the foregoing reasons, BB&T and EMG respectfully request termination of Covered Business Method Patent Review No. CBM2014-00145 of U.S. Patent No. 7,441,196. Should the Board terminate this proceeding as jointly requested by BB&T and EMG, no estoppel under 35 U.S.C. § 325(e) shall attach to BB&T. *See* 35 U.S.C. §327(a).

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this *Joint Motion to Terminate*, along with Exhibits 1027 and 1028, has been served via Express Mail on July 25, 2014 upon the following:

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Dated: July 25, 2014

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