

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIPS ELECTRONICS NORTH AMERICA CORP.
Petitioner

v.

ILUMISYS, INC.
Patent Owner

Case IPR2014-01120
Patent No. 8,382,327

JOINT MOTION TO TERMINATE PROCEEDINGS

Pursuant to 35 U.S.C. § 317(a), 37 C.F.R. § 42.74, and the Board's oral order in the January 20, 2015 conference call granting permission to file this motion, Petitioner Philips Electronics North America, Inc. ("Petitioner") and Patent Owner Ilumisys, Inc. ("Patent Owner") (collectively, "Parties") jointly request termination of the Inter Partes Review of U.S. Patent No. 8,382,327, Case No. IPR2014-01120. In support of this motion, the Parties state the following information in support, *see Heartland Tanning, Inc. v. Sunless, Inc.*, IPR2014-00018, slip. op. at 2 (July 28, 2014) (Paper 26):

I. Brief Explanation as to Why Termination Is Appropriate

The Parties have settled their disputes via an executed written settlement agreement. That agreement, which is being filed with the Board contemporaneously with this motion as Exhibit 2001, along with the Parties' motion to keep the agreement confidential, includes the parties' agreement to seek termination of this and all other proceedings between the Parties in all forums.

Termination of this review is especially appropriate because the case is at an early stage in these proceedings. Specifically, Petitioner filed its petition for Inter Partes Review on July 3, 2014, and review was instituted on December 24, 2014. The Patent Owner has not yet filed its Patent Owner Response, which is not due until March 2, 2015. In addition, termination is also appropriate in these proceedings where the Board recognizes that "[t]here are strong public policy reasons to favor

settlement between the parties to a proceeding,” *see* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012), including preserving the Board’s (and Parties’) resources. Termination of these proceedings as a result of the early settlement here supports those public policy concerns.

II. Identification of Parties in Related Litigation Involving the Patent

There is one pending district court litigation involving the Patent, which is *ilumisys, Incorporated v. Philips Electronics North America Corporation*, 2:13-cv-14961 (E.D. Mich.). The identity of the parties in this district court case involving the patents at issue in these proceedings are as follows: the Petitioner, the Patent Owner, and Altair Engineering, Inc., which is the parent company of the Patent Owner. The Parties’ settlement agreement includes the parties’ agreement to dismiss with prejudice the pending district court litigation that involves the Patent.

III. Identification of Any Related Proceeding Currently Before the Office

The identity and status of related proceedings currently before the Office are summarized as follows:

Proceeding	Patent Number	Status
IPR2014-00448	Patent Number 8,093,823	Joint Motion to Terminate submitted. Patent Owner did not elect to submit preliminary response; PTAB has instituted a trial; Patent Owner's response is not yet due.
IPR2014-00710	Patent Number 7,510,299	Joint Motion to Terminate submitted. Patent Owner did not elect to submit preliminary response; PTAB has instituted a trial; Patent Owner's response is not yet due.
IPR2014-01120	Patent Number 8,382,327	Joint Motion to Terminate submitted. Patent Owner did not elect to submit preliminary response; PTAB has instituted a trial; Patent Owner's response is not yet due.
IPR2014-01333	Patent Number 7,049,761	Joint Motion to Terminate submitted. Patent Owner did not elect to submit preliminary response; PTAB has instituted a trial; Patent Owner's response is not yet due.

IV. Settlement Agreement

In further support accompanying this joint motion to terminate as Exhibit 2001 is a true copy of the parties' settlement agreement, as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), along with parties' motion to keep their agreement confidential.

Dated: January 22, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on January 22, 2015, a complete and entire copy of this Joint Motion to Terminate Proceedings was provided via email to the Petitioner by serving the correspondence email addresses of record as follows:

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