

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY ONLINE ENTERTAINMENT LLC,
BLIZZARD ENTERTAINMENT, INC., AND BACKFLIP STUDIOS, LLC

Petitioners

v.

AGINCOURT GAMING, LLC

Patent Owner

Case No. IPR2014-01255

U.S. Patent No. 8,454,432

**JOINT MOTION TO TERMINATE *Inter Partes* REVIEW and JOINT
MOTION TO EXTEND THE DUE DATE OF PATENT OWNER'S
PRELIMINARY RESPONSE PENDING DECISION OF THE JOINT
MOTION TO TERMINATE**

Pursuant to the Patent Trial and Appeal Board's e-mail on November 18, 2014 authorizing filing of the present joint motion, Petitioners Sony Online Entertainment, LLC, Blizzard Entertainment, Inc., Backflip Studios, LLC (collectively "Petitioners") and Patent Owner ("Parties") jointly request termination of the present *inter partes* review proceeding, pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74 (b), on the basis that the Parties have settled. No other Petitioners remain in the proceedings.

The Parties have reached an agreement resolving the dispute in the above-captioned *inter partes* review. Attached to this motion is a true copy of the written Settlement Agreements as to all Petitioners resolving the disputes in the above-captioned petition for *inter partes* review. *See* Exs. 1001-1003. Also attached are copies of each order from the United States District Court for the District of Delaware dismissing with prejudice Patent Owner's claims against Petitioners involving the patent at issue in this proceeding between the Parties. *See* Exs. 1004-1006. The Parties are aware of no other litigation involving the patent at issue. The Parties hereby request that that the Settlement Agreements be treated as business confidential information and kept separate from the underlying patent file, as provided in 37 C.F.R. § 42.74(c) and U.S.C. § 317(b).

Termination, here, is appropriate as to Petitioners because there has been no decision on the merits. *See* 35 U.S.C. § 317(a). Because the parties are jointly requesting termination and the Board has not yet decided the merits of this

proceeding, the Office is required to terminate the *inter partes* review with respect to Petitioners.

Termination is also appropriate with respect to Patent Owner. The parties are moving jointly that this *inter partes* review proceeding be terminated with respect to Patent Owner. In addition, the parties have settled all disputes between them as to the patent at issue in this proceeding, (2) this proceeding is in its earliest stages as a preliminary response has not been filed, and (3) the merits of the petition have not been considered.

For at least the above reasons, this proceeding should be terminated with respect to Patent Owner and Petitioner. The parties, therefore, jointly request that the above-captioned *inter partes* review be terminated.

In addition, the parties request that the Board extend the due date for Patent Owner's preliminary response pending the Board's determination on the Joint Motion to Terminate. In the event that the Board denies the Joint Motion, the parties have agreed, and hereby request, that Patent Owner should be permitted 30 days from any decision denying the Joint Motion to Terminate in which to file its preliminary response.

Date: November 20, 2014

By: /Vincent J. Allen/

Vincent J. Allen

Registration No. 45,514

Carstens & Cahoon, LLP

13760 Noel Road, Suite 900

Dallas, Texas 75240

(972)367-2004

(972) 367-2002 (Fax)

Attorney for Patent Owner

By: /Eric A. Buresh/

Eric A. Buresh

Registration No. 50,394

Jason R. Mudd

Registration No. 57,700

6201 College Blvd., Suite 300

Overland Park, KS 66211

(913) 777-5600

(913) 777-5601 (Fax)

Attorneys for Petitioners

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Joint Motion to Terminate *Inter Partes* Review per 37 C.F.R. § 42.8 was served on November 20, 2014, to Lead and Back-up Counsel for Sony Online Entertainment LLC, Blizzard Entertainment, Inc. and Backflip Studios, LLC via email and first class mail:

Eric A. Buresh, Reg. No. 50,394

Jason R. Mudd, Reg. No. 57,700

6201 College Blvd., Suite 300

Overland Park, KS 66211

P: (913) 777-5600

F: (913) 777-5601

eric.buresh@eriseip.com

jason.mudd@eriseip.com

By: /Vincent J. Allen/

Vincent J. Allen

Registration No. 45,514

Attorney for Patent Owner