

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ESSELTE CORPORATION ET AL.
Petitioners,

v.

DYMO
Patent Owner.

Case No. IPR2015-00766
Patent 7,990,567

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

Pursuant to 35 U.S.C. § 317(a), Petitioners Esselte Corporation, Esselte AB and Esselte Leitz GMBH & Co. (“Petitioners”) and Patent Owner DYMO (“Patent Owner”) (together “Parties”) jointly request termination of this *inter partes* review (IPR) of U.S. Patent No. 7,990,567 (“the ’567 Patent”), Case No. IPR2015-00766. In accordance with 37 C.F.R. § 42.20(b), the parties sought, and received, authorization from the Board to file this motion on January 4, 2016.

The Parties have settled their disputes. The Parties’ settlement is memorialized in a Settlement Agreement filed concurrently herewith (Ex. 1009). Termination of this proceeding is proper because the IPR is in its early stages. The Board has not “decided the merits of the proceeding before the request for termination is filed.” *See* 35 U.S.C. § 317(a); 77 Fed. Reg. 48768 (“The Board expects that a proceeding will terminate after filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.”) Though this IPR has been instituted and Patent Owner has filed its Patent Owner Response, Petitioners have not yet filed their Reply, and the Board has not yet decided the merits of the proceeding at the time this motion for termination is filed. The litigation between the Parties related to this proceeding has also been settled, as have the IPRs of U.S. Patent Nos. 6,152,623, 6,890,113, and 7,140,791 also at issue in that litigation. The Parties are unaware of any other matter before the

USPTO that would be affected by the settlement of this proceeding and there are no other proceedings before the Board involving the '567 Patent.

For all of these reasons, the Parties respectfully request that the Board terminate this IPR.

Respectfully submitted,

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Dated: January 4, 2016

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 was served on January 4, 2016 via email, to the Patent Owner by serving the correspondence email addresses of record as follows:

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