

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Good Technology Software, Inc.
Petitioner

v.

MobileIron, Inc.
Patent Owner

Case: IPR2015-00833
U.S. Patent No. 8,340,633

**JOINT MOTION TO TERMINATE WITH
REQUEST TO KEEP SEPARATE**

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Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313

I. INTRODUCTION AND STATEMENT OF REQUESTED RELIEF

On November 27, 2015, the Board authorized the parties to jointly file a Motion to Terminate several proceedings pending between the parties and their respective affiliates. Accordingly, Petitioner Good Technology Software, Inc. (“Petitioner”) and Patent Owner MobileIron, Inc. (“Patent Owner”) jointly move to terminate the above-captioned proceeding in view of the parties’ agreement to settle their disputes. Included with this Motion is a copy of the agreement which settled all claims between the parties, and the parties jointly request that the agreement be kept separate pursuant to 37 CFR § 42.74(c). As explained below, the parties respectfully submit that there is good cause for granting this motion.

II. BACKGROUND AND RELEVANT FACTS

On March 3, 2015, Petitioner filed petition requesting *inter partes* review of U.S. Patent No. 8,340,633. On June 19, 2015, Patent Owner filed a preliminary response. On September 16, 2015, the Board instituted the *inter partes* review of U.S. Patent No. 8,340,633.

On November 24, 2015, the parties agreed to settle their respective claims against each other in a License And Settlement Agreement (“the Agreement”) executed by the parties and their respective, relevant affiliates. A copy of the

Agreement¹ is submitted herewith as Exhibit 1009. Pursuant to the terms of the Agreement, the parties have now dismissed all previously pending matters with the exception of the pending IPR proceedings in the Patent Trial and Appeal Board.

The dismissed matters are listed below:

- Good Technology Corporation et al. adv. MobileIron Inc., Case No. 12-CV-05827 PSG (N.D. Cal.)
- Good Technology Corporation, et al. adv. MobileIron, Inc., Case No. 5:15-CV-01694 PSG (N.D. Cal.)
- Good Technology Corporation v. MobileIron International, Inc. and MobileIron, Inc., Claim No. HP-2014-000016 (Patents Court, Chancery Division, High Court of England and Wales)
- Good Technology Corporation v. MobileIron International Inc. and MobileIron Inc. (Dusseldorf, Germany), court file numbers 4b O 146/14 and 4b O 34/15

Additionally, as authorized by the Board, the parties are filing Motions to Terminate the remaining IPR proceedings, also listed below:

¹ Pursuant to 37 CFR § 42.74(c), the parties jointly request that the Agreement filed as Exhibit 1009 be treated as business confidential information and kept separate from the files of the subject patent.

- Inter Partes Review of Patent No. 8,117,344 filed by MobileIron, Inc.,
IPR2015-01245 (U.S. PTO)
- Inter Partes Review of Patent No. 8,117,344 filed by MobileIron, Inc.,
IPR2015-01246 (U.S. PTO)
- Inter Partes Review of Patent No. 8,340,633 filed by Good Technology,
IPR2015-00833 (U.S. PTO)
- Inter Partes Review of Patent No. 8,869,307 filed by Good Technology,
IPR2015-00836 (U.S. PTO)
- Inter Partes Review of Patent No. 8,731,529 filed by Good Technology,
IPR2015-01090 (U.S. PTO)

III. LEGAL STANDARD

Pursuant to 37 C.F.R. § 42.20(c), the moving party has the burden to establish that it is entitled to the requested relief. As explained below, good cause exists for granting this motion, and the parties respectfully submit that they have carried their burden to establish that they are entitled to the relief sought herein.

IV. GOOD CAUSE EXISTS FOR GRANTING THIS MOTION

This proceeding should be terminated because the parties have resolved their pending disputes, and have agreed to refrain to the extent permitted by law, from further participation in this and the PTAB proceedings identified above. *See* Ex. 1009 at § 2.4(a). This proceeding should also be terminated because it is at an

early stage and the petition has only just been instituted on September 16, 2015. Finally, judicial economy will be served by terminating this proceeding, as the Board will no longer be required to expend resources in deciding the issues raised in the petition.

**V. TREAT SETTLEMENT AGREEMENT AS BUSINESS
CONFIDENTIAL INFORMATION**

Patent Owner and Petitioner hereby request that the settlement agreement (Exhibit 1009) be treated as business confidential information, be kept separate from the file of this IPR, and be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The parties' request is consistent with the standards set forth in 35 U.S.C. § 317, which govern settlement of instituted reviews.

VI. CONCLUSION

Because the parties have demonstrated that good cause exists for granting this Motion, the parties respectfully request that the Board grant this Motion to Terminate with Request to Keep Separate.

Respectfully submitted,

EIP US LLP

Dated: November 30, 2015

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Certification of Service Under 37 C.F.R. § 42.6(e)(4)

A copy of this JOINT MOTION TO TERMINATE WITH REQUEST TO
KEEP SEPARATE and supporting materials have been filed with the PTAB's
PRPS electronic filing system on this 30th day of November 2015:

Dated: November 30, 2015

By: / *Eliot Williams* /
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