UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ericsson Inc.

Petitioner

v.

Electronics and Telecommunications Research Institute

Patent Owner

Patent No. 9,155,066
Filing Date: May 13, 2014
Issue Date: October 6, 2015

Title: METHOD FOR PAGING INFORMATION IN CELLULAR SYSTEM

Inter Partes Review No. IPR2020-00252

UNOPPOSED MOTION TO DISMISS
PETITION FOR *INTER PARTES* REVIEW

I. INTRODUCTION

The Board authorized Petitioner to file a motion to dismiss the present petition for *inter partes* review and thereby terminate IPR2020-00252 directed to U.S. Patent No. 9,155,066 ("the '066 Patent"). (Board email dated February 27, 2020). Petitioner and Exclusive Licensee Sol IP have conferred via email, and Sol IP does not oppose the relief requested in this motion. Petitioner now so moves and respectfully requests that the Board dismiss the present petition and terminate IPR2020-00252 consistent with Board's precedent allowing petitioners to withdraw IPR petitions pre-institution. This proceeding is in its preliminary phase, Sol IP has not yet filed a Preliminary Response, and the Board has not yet reached the merits by issuing a decision on institution.

II. BACKGROUND AND RELATED IPR PROCEEDINGS

The present petition is one of thirteen petitions that Petitioner filed on December 10, 2019. The parties have entered into a confidential settlement agreement ("Settlement Agreement") that will resolve the parties' dispute regarding the challenged patents, including the related district court litigation in which the '066 Patent was asserted against Petitioner (Case Nos. 2:18-cv-00526 (E.D. Tex.), 2:18-cv-00527 (E.D. Tex.), and 2:18-cv-00528 (E.D. Tex.)). This Settlement Agreement has been made in writing, and a true and correct copy shall be filed with this Office as business confidential pursuant to 35 U.S.C. § 317(b). There are no other

agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of this proceeding. Pursuant to the terms of the Settlement Agreement, the parties filed Stipulations of Dismissal in the aforementioned cases, and the parties' disputes have been dismissed by the court. Moreover, Petitioner is preparing identical Unopposed Motions to Dismiss Petition for *Inter Partes* Review in each of the twelve other contemporaneously-filed proceedings currently pending before the Board:

1. IPR2020-00237;
2. IPR2020-00238;
3. IPR2020-00239;
4. IPR2020-00240;
5. IPR2020-00241;
6. IPR2020-00242;
7. IPR2020-00243;
8. IPR2020-00244;
9. IPR2020-00249;
10. IPR2020-00250;
11. IPR2020-00251; and
12. IPR2020-00253.

III. ARGUMENT

Good cause exists to dismiss the present petition and terminate IPR2020-00252. The proceeding is in its preliminary stage and Exclusive Licnesee Sol IP has not yet filed a Preliminary Response. "The Board may . . . dismiss any petition." 37 C.F.R. 42.71(a); *see also* 37 C.F.R. § 42.72 (The Board "may terminate a trial without rendering a final written decision, where appropriate."). Further, the rules governing IPR proceedings "shall be construed to secure the just, speedy, and inexpensive resolution of every proceeding." *Id*. § 42.1(b). In determining whether a termination request is "appropriate," the Board primarily examines the stage and nature of the proceedings. *See, e.g.*, *Samsung Elecs. Co. v. NVIDIA Corp.*, IPR2015-01270, Paper 12 at 3 (Dec. 9, 2015). Here, dismissal will preserve both Board and party resources, particularly in view of the early stage of the proceeding.

The Board has precedent for allowing petitioners to withdraw IPR petitions pre-institution when proceedings are in a similar posture. *See, e.g., Intel Corp. v. Tela Innovations, Inc.,* IPR2019-01221, Paper 21 (Jan. 13, 2020); *Huawei Technologies Co. Ltd v. Harris Global Communications, Inc.,* IPR2019-01512, Paper 8 (Jan. 10, 2020); *Pfizer, Inc., v. Biogen, Inc.,* IPR2018-00231, Paper No. 11 (June 6, 2018); *Darfon Electronics Corp. v. Lite-On Technology Corp.,* IPR2018-01797, Paper No. 8 (January 9, 20019); *Turner Sports Interactive, Inc. v. Tagi Ventures, LLC,* IPR2017-01010, Paper No. 7 (July 31, 2017). Moreover, withdrawal

of the present petition does not prejudice the Patent Owner or its Exclusive Licensee, who do not oppose the filing of this motion.

IV. CONCLUSION

For the reasons set forth herein, Petitioner Ericsson Inc. respectfully requests that the Board grant the Unopposed Motion to Dismiss Petition for *Inter Partes* Review in Case Number IPR2020-00252 and terminate the proceeding in its entirety.

Dated: March 2, 2020

Respectfully submitted,

/s/ *Pejman Sharifi*

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CERTIFICATE OF SERVICE

I certify that on March 2, 2020, I will cause a copy of the foregoing document, including any exhibits referred to therein, to be served via electronic mail, as previously consented to by Patent Owner and Exclusive Licensee Sol IP, upon the following:

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Dated: March 2, 2020

Respectfully submitted,

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