

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

HUAWEI TECHNOLOGIES CO., LTD.,  
Petitioners

v.

WSOU INVESTMENTS, LLC D/B/A BRAZOS LICENSING AND  
DEVELOPMENT,  
Patent Owner

---

Case IPR2021-01012  
Patent 6,704,304

---

**JOINT MOTION TO TERMINATE PROCEEDING**

**EXHIBITS**

EX1001	U.S. Patent No. 6,704,304 to Gallagher et al. (“the ‘304 patent”)
EX1002	Prosecution History of the ’304 Patent (Serial No. 09/588,248)
EX1003	Declaration of Mr. Peter Rysavy
EX1004	U.S. Patent No. 6,064,653 (“Farris”)
EX1005	U.S. Patent No. 6,075,784 (“Frankel”)
EX1006	U.S. Patent No. 6,731,627 (“Gupta”)
EX1007	U.S. Patent No. 6,282,192 (“Murphy”)
EX1008	U.S. Patent No. 6,781,983 (“Armistead”)
EX1009-1011	Reserved
EX1012	Complaint filed in <i>WSOU Investments LLC v. Huawei Technologies Co., Ltd., et al.</i> , Case No. 6:20-cv-00889 (W.D. Tex.)
EX1013	Plaintiff’s Preliminary Constructions in <i>WSOU Investments LLC v. Huawei Technologies Co., Ltd., et al.</i> , Case No. 6:20-cv-00889 (W.D. Tex.)
EX1014	Defendant’s Preliminary Constructions in <i>WSOU Investments LLC v. Huawei Technologies Co., Ltd., et al.</i> , Case No. 6:20-cv-00889 (W.D. Tex.)
EX1015-1099	Reserved
EX1100	Complaints filed in <i>WSOU Investments LLC v. Huawei Technologies Co., Ltd., et al.</i> , Case Nos. 6:20-cv-00889, 6:20-cv-00891-00893, 6:20-cv-00916-00917 (W.D. Tx.)

- EX1101            Scheduling Order (Document 29), *WSOU Investments LLC v. Huawei Technologies Co., Ltd., et al.*, Case Nos. 6:20-cv-00889, 6:20-cv-00891-00893, 6:20-cv-00916-00917 (W.D. Tx.)
- EX1102            Huawei's Stipulation served in *WSOU Investments LLC v. Huawei Technologies Co., Ltd., et al.*, Case Nos. 6:20-cv-00889, 6:20-cv-00891-00893, 6:20-cv-00916-00917 (W.D. Tx.)
- EX1103            Settlement Agreement

Petitioner and Patent Owner (collectively “Parties”) hereby jointly move for an order terminating the preliminary proceeding initiated by the petition for *inter partes* review filed on May 26, 2021, directed to Patent No. 6,704,304 (“the challenged patent”) and assigned case number IPR2021-01012.

The Board has yet to issue a decision to institute trial.

**1. Reasons Why Termination Is Appropriate**

The Board authorized the Parties on October 13, 2021 to file a “Joint Motion To Terminate.” Termination is proper because the Parties are jointly requesting termination, this IPR proceeding is still in its early stages, and the Board has not yet “decided the merits of the proceeding.” *Samsung Electronics Co., Ltd. et al v. Neodron Ltd.*, IPR2020-01682, Paper 14, 3 (February 18, 2021); *see also Samsung Electronics Co., Ltd. v. Fundamental Innovation Systems Int’l*, IPR2018-00605, Paper 10, 2 (PTAB July 16, 2018). Accordingly, termination is appropriate here.

The parties are filing herewith as Exhibit 1103, a true copy of settlement agreement entered between the Parties, and a request is being filed herewith to treat this agreement as “business confidential information.” *See* 37 C.F.R. § 42.74(c). The settlement agreement was entered into in contemplation of terminating this proceeding, and Petitioner and Patent Owner certify there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of the proceeding. *See* 37 C.F.R. § 42.74(b).

The Parties understand that if the Board terminates this IPR proceeding, no estoppel under 35 U.S.C. § 315(e) or 37 C.F.R. § 42.73(d)(1) will attach to Petitioner. The Parties understand that if the Board terminates this IPR proceeding before a final written decision on patentability, no preclusion will attach to Patent Owner under 37 C.F.R. § 42.73(d)(3).

## **2. Conclusion**

The parties have settled all disputes relating to the challenged patent. This IPR proceeding is in an early stage, and the Board has not entered a final written decision on the merits in this proceeding. Accordingly, the parties respectfully request the Board to terminate this proceeding in its entirety.

Date: October 18, 2021

Respectfully submitted,

/Michael T. Hawkins/  
Michael T. Hawkins, Reg. No. 57,867  
Fish & Richardson P.C.  
*Counsel for Petitioner*

/Jeffrey A. Stephens/  
Jeffrey A. Stephens, Reg. No. 56,254  
Etheridge Law Group, PLLC  
*Counsel for Patent Owner*

**CERTIFICATE OF SERVICE**

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on October 18, 2021, a complete and entire copy of this Joint Motion to Terminate Proceeding was provided via email, to the Patent Owner by serving the correspondence email addresses of record as follows:

Ryan Loveless  
Jeffrey A. Stephens  
Brett Mangrum  
James Etheridge  
Brian Koide  
Jeffrey Huang  
ETHERIDGE LAW GROUP  
2600 E. Southlake Blvd., Ste. 120-354  
Southlake, TX 76092

Email:

[ryan@etheridgelaw.com](mailto:ryan@etheridgelaw.com)  
[jstephens@etheridgelaw.com](mailto:jstephens@etheridgelaw.com)  
[brett@etheridgelaw.com](mailto:brett@etheridgelaw.com)  
[IPTeam@etheridgelaw.com](mailto:IPTeam@etheridgelaw.com)  
[brian@etheridgelaw.com](mailto:brian@etheridgelaw.com)  
[jeff@etheridgelaw.com](mailto:jeff@etheridgelaw.com)

/Michael Stanwyck/  
Michael Stanwyck  
Fish & Richardson P.C.  
60 South Sixth Street, Suite 3200  
Minneapolis, MN 55402  
(202) 626-6420