UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2023-00946
Patent 9,727,217

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW

Patent Owner Immersion Corporation ("Patent Owner") and Petitioner Meta Platforms, Inc. ("Petitioner") (collectively, the "Parties") have reached an agreement that resolves all disputes between them regarding U.S. Patent No. 9,727,217 ("Patent-in-Suit"), including those relating to this proceeding, IPR2023-00946, and the related district court action *Immersion Corporation v. Meta Platforms, Inc.*, Case No. 1:23-cv-00623-ADA.[1] Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, the Parties jointly request termination of IPR2023-00946. The Parties were authorized to file this Joint Motion by the Board (via email) on February 20, 2024.

Pursuant to 37 C.F.R. §§ 42.72, "[t]he Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. §§ 317(a) or 327(a)." "There are strong public policy reasons to favor settlement between the parties to a proceeding. . . . The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding." PTAB

[1] The Patent-in-Suit is not currently asserted in any other pending district court cases.

Consolidated Trial Practice Guide ("CTPG") at 86 (Nov. 2019) (citing 35 U.S.C. §§ 317(a), 327).

The Board has not yet "decided the merits of the proceeding" (*see* 35 U.S.C. § 317(a)), as Patent Owner has not yet filed its response to the petition. Accordingly, the proceeding should be terminated. CTPG at 86 ("The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.").

As required by statute and as directed by the Board, the Parties are filing concurrently herewith, as a separate submission, a Joint Request to Treat Settlement Agreement as Business Confidential and to Keep Separate, pursuant to 35 U.S.C. § 317(b), along with the true copy of the written agreement, which includes all agreements between the Parties related to this proceeding (Ex. 1014). The Parties request that the settlement agreement be treated as business confidential information and be kept separate from the files of the involved patent, and be made available only to Federal Government agencies on written request, or to any person on showing of good cause under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(c).

The Parties certify that there are no other collateral agreements or understandings, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.

Accordingly, the Parties respectfully request that the Board grant the Parties' Joint Motion to Terminate.

Date: February 23, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on February 23, 2024, by filing this document through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Patent Owner:

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