Filed: September 8, 2023

Filed on behalf of Meta Platforms, Inc.
By: Lisa Nguyen
David Tennant
Eric E. Lancaster
Daniel Margolis
Grace Wang
Alan Billharz
Colby Davis
Allen & Overy LLP
550 High Street
Palo Alto, CA 94301
Telephone: 650-388-1724
Facsimile: 202-683-3999
Email: AO_Meta_Jawbone@AllenOvery.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

JAWBONE INNOVATIONS, LLC,
Patent Owner.

IPR2023-01129
U.S. Patent No. 8,326,611

PETITIONER'S UNOPPOSED MOTION TO WITHDRAW MOTION FOR JOINDER

TABLE OF CONTENTS

I. STATEMENT OF FACTS ---------- 1

II. ARGUMENT ---------- 2

III. CONCLUSION ---------- 2

Pursuant to the Board's authorization granted in its August 25, 2023 email, Petitioner Meta Platforms, Inc. ("Petitioner") respectfully submits this Unopposed Motion to Withdraw Motion for Joinder.

I. STATEMENT OF FACTS

On November 28, 2022, Amazon.com, Inc. ("Amazon") filed a petition for *inter partes* review ("IPR") of claims 29-44 of U.S. Patent No. 8,326,611 ("the '611 patent"). IPR2023-00285 ("Amazon IPR"), Paper 1. Patent Owner filed suit against Petitioner on February 28, 2023, asserting the '611 patent, along with seven other patents. Case No. 6:23-cv-00158, W.D. Tex., Dkt. 1. On June 7, 2023, the Board instituted the Amazon IPR. IPR2023-00285, Paper 10. Petitioner timely filed the petition in this proceeding, for *IPR* of claims 29 and 31-44 of the '611 patent on June 27, 2023 (Paper 1), along with a Motion for Joinder to and Consolidation with the Amazon IPR (Paper 2, "Joinder Motion"). Petitioner's IPR presents identical grounds as the Amazon IPR for the challenged claims.

On August 9, 2023, the Board ordered termination of the Amazon IPR based on settlement. IPR2023-00285, Paper 16 ("Termination Order"). The Board did not decide the merits of the Amazon IPR and the Termination Order is not a Final Written Decision. *Id.* In this proceeding, the Board has not ruled on Petitioner's Joinder Motion.

II. ARGUMENT

Petitioner respectfully submits that, in view of the Board's Termination Order in the Amazon IPR, Petitioner should be permitted to withdraw its Joinder Motion (Paper 2), which is now moot. Patent Owner does not oppose this motion.

III. CONCLUSION

For the reasons presented above, Petitioner respectfully requests that the Board order that the Joinder Motion (Paper 2) is WITHDRAWN as moot.

Respectfully submitted,

ALLEN & OVERY, LLP

Dated: September 8, 2023

/Lisa K. Nguyen/

Lisa K. Nguyen (Reg. No. 58,018)
550 High Street
Palo Alto, California 94301
Telephone: 650.388.1724
Email: lisa.nguyen@allenovery.com

Counsel for Petitioner,
META PLATFORMS, INC.

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing **PETITIONER'S UNOPPOSED MOTION TO WITHDRAW MOTION FOR JOINDER** is being served on September 8, 2023 by electronically filing this document, as well as by delivering a copy via email to the following attorneys of record for the Patent Owner:

Peter Lambrianakos
Alfred R. Fabricant
Vincent J. Rubino, III
Enrique W. Iturralde
Richard M. Cowell
Jacob Ostling
FABRICANT LLP
411 Theodore Fremd Avenue,
Suite 206 South
Rye, New York 10580
Telephone: (212) 257-5797
Facsimile: (212) 257-5796
Email: plambrianakos@fabricantllp.com
Email: ffabricant@fabricantllp.com
Email: vrubino@fabricantllp.com
Email: eiturralde@fabricantllp.com
Email: rcowell@fabricantllp.com
Email: jostling@fabricantllp.com
Email: jawbone@fabricantip.com

ALLEN & OVERY, LLP

Dated: September 8, 2023

/Lisa K. Nguyen/

Lisa K. Nguyen (Reg. No. 58,018)
550 High Street
Palo Alto, California 94301
Telephone: 650.388.1724
Email: lisa.nguyen@allenovery.com

Counsel for Petitioner,
META PLATFORMS, INC.