Filed on behalf of: AX Wireless, LLC

Entered: July 23, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

AX Wireless, LLC,
Patent Owner.

Case IPR2023-01143
Patent 9,584,262

RENEWED JOINT MOTION TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.74

Exhibit List

Exhibit	Description
2001	Declaration of Zygmunt Haas, Ph.D. ("Haas" or "AXW-2001")
2002	*Curriculum Vitae* of Zygmunt Haas, Ph.D. ("AXW-2002")
2003	Institute of Electrical & Electronics Engineers ("IEEE"), *IEEE Standards Association – Documents 802.11* (Oct. 10, 2023), https://mentor.ieee.org/802.11/documents (excerpted) ("AXW-2003")
2004	IEEE, *IEEE Standards Association – Documents 802.11: Working Group* (Oct. 8, 2023), https://mentor.ieee.org/802.11/documents?is_dcn=DCN%2C%20Title%2C%20Author%20or%20Affiliation&is_group=0000 (screenshot excerpts) ("AXW-2004")
2005	IEEE, *IEEE Standards Association – Documents 802.11: TGn Working Group (inactive)* (Sept. 20, 2023), https://mentor.ieee.org/802.11/documents?is_group=000n (excerpted) ("AXW-2005")
2006	IEEE 802.11 Working Group of the 802 Committee, *IEEE P802.11n™/D1.0, Draft Amendment to STANDARD [FOR] Information Technology-Telecommunications and information exchange between systems-Local and Metropolitan networks-Specific requirements-Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) specifications: Enhancements for Higher Throughput* (Mar. 2006) ("AXW-2006")
2007	IEEE, *IEEE Standards Association – Documents 802.11 (no search terms)* (Sept. 22, 2023), https://mentor.ieee.org/802.11/documents ("AXW-2007")
2008	IEEE, *IEEE Standards Association – Documents 802.11 (all groups; extended range activity)* (Sept. 20, 2023), https://mentor.ieee.org/802.11/documents?is_dcn=extended range ("AXW-2008")

Exhibit	Description
2009	IEEE, *IEEE Standards Association – Documents 802.11: TGn Working Group (inactive; range search)* (Sept. 20, 2023), https://mentor.ieee.org/802.11/documents?is_dcn=range&is_group=000n ("AXW-2009")
2010	IEEE, *IEEE Standards Association – Documents 802.11: TGn Working Group (inactive; extended range activity)* (Sept. 20, 2023), https://mentor.ieee.org/802.11/documents?is_dcn=extend&is_group=000n ("AXW-2010")
2011	IEEE, *IEEE Standards Association – Documents 802.11 (all groups; extended and range search activity)* (Oct. 9, 2023), https://mentor.ieee.org/802.11/documents?is_dcn=extended AND range ("AXW-2011")
2012	IEEE, *IEEE Standards Association – Documents 802.11 (all groups; range search activity)* (Oct. 10, 2023), https://mentor.ieee.org/802.11/documents?is_dcn=range (excerpted) ("AXW-2012")
2013	Bruce Kraemer & Adrian Stephens, *TGn Proposed Draft Revision Notice* (Doc. No. IEEE 802.11-06/1061r0) (July 18, 2006), https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fmentor.ieee.org%2F802.11%2Fdcn%2F06%2F11-06-1060-00-000n-tgn-draft-revision-with-additions-and-deletions.ppt&wdOrigin=BROWSELINK ("AXW-2013")
2014	Gérald Chouinard, *Bringing broadband access to rural and remote areas: The Canadian Experience*, ITU NEWS (commem. ed. 3) (Apr. 2006) ("AXW-2014" or "ITU News")
2015	Matthew S. Gast, *802.11 Wireless Networks: The Definitive Guide* (2d ed. 2005) ("AXW-2015" or "Gast")

Exhibit	Description
2016	Syed Aon Mujtaba, *TGn Sync Response to Questions* (Doc. No. IEEE 802.11-05/182r2) (Mar. 16, 2005), https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fmentor.ieee.org%2F802.11%2Fdcn%2F05%2F11-05-0182-02-000n-tgnsync-response-to-atlanta-questions.ppt&wdOrigin=BROWSELINK ("AXW-2016")
2017	Third Amended Docket Control Order, *AX Wireless LLC v. Dell Inc.*, No. 2:22-cv-00277 (E.D. Tex. Oct. 23, 2023), ECF No. 136 ("AXW-2017")
2018	Third Amended Docket Control Order, *AX Wireless LLC v. Lenovo Grp. Ltd.*, No. 2:22-cv-00280 (E.D. Tex. Oct. 31, 2023), ECF No. 130 ("AXW-2018")
2019	RESERVED
2020	*Time to Milestones – Judge Robert W. Schroeder, III: Case Filing Date: On or After Jan. 1, 2008*, Docket Navigator ("AXW-2020")
2021	Civil Docket, *AX Wireless LLC v. Dell Inc.*, No. 2:22-cv-00277 (E.D. Tex.) (through Nov. 15, 2023) ("AXW-2021")
2022	Civil Docket, *AX Wireless LLC v. Lenovo Grp. Ltd.*, No. 2:22-cv-00280 (E.D. Tex.) (through Nov. 15, 2023) ("AXW-2022")
2023	Defendants' P.R. 3-3 Invalidity Contentions and Ineligibility Contentions, *AX Wireless LLC v. Dell Inc. & HP Inc.*, Nos. 2:22-cv-00277, 2:22-cv-00279 (E.D. Tex. Jan. 23, 2023 [served]) ("AXW-2023")
2024	IEEE Std. 802.11n-2009, *Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications, Amendment 5: Enhancements for Higher Throughput* (Oct. 29, 2009)

Exhibit	Description
2025	R. Kennedy, *Amendment to IEEE Standard 802.11-2007 (Project No. P802.11af): Standard for Information Technology - Telecommunications and Information Exchange Between Systems - Local and Metropolitan Area Networks - Specific Requirements - Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications; Amendment: TV White Spaces Operation* (PAR Request Oct. 2, 2009; PAR Approval Dec. 9, 2009) ("AXW-2025")
2026	Bruce Kraemer, *Amendment to IEEE Standard 802.11-2007 (Project No. P802.11ah): Standard for Information Technology - Telecommunications and Information Exchange Between Systems - Local and Metropolitan Area Networks - Specific Requirements - Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications; Amendment: Sub 1 GHz License-Exempt Operation* (PAR Request July 26, 2010; PAR Approval Sept. 30, 2010) ("AXW-2026")
2027	Xuemei Ouyang et al., *Optimal Antenna Diversity Combining for IEEE 802.11A System*, 48 IEEE TRANSACTIONS CONSUMER ELECS. 738 (Aug. 2002) ("AXW-2027")
2028	Cenk Kose & Bruce Edwards, *WWiSE Proposal: High Throughput Extension to the 802.11 Standard* (Doc. No. IEEE 802.11-04/0886r6) (Jan. 6, 2005), https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjJq5fyur-CAxUROUQIHan7D4IQFnoECBkQAQ&url=https%3A%2F%2Fmentor.ieee.org%2F802.11%2Fdcn%2F05%2F11-05-0149-00-000n-wwise-proposal-high-throughput-extension-to-802-11-standard.doc&usg=AOvVaw2ryBNHlH79Ugg8pE4IzPVE&opi=89978449 ("AXW-2028" or "March 2005 WWiSE Proposal")
2029	Mohammad Hossein Manshaei & Thierry Turletti, *Simulation-Based Performance Analysis of 802.11a Wireless LAN*, PROC. INT'L SYMP. TELECOMMS. 758 (Aug. 2003) ("AXW-2029")

Exhibit	Description
2030	IEEE, *IEEE P802.11 – Task Group N – Meeting Update: Status of Project IEEE 802.11n: Standard for Enhancements for Higher Throughput*, https://www.ieee802.org/11/Reports/tgn_update.htm (printed 11/10/2023) ("AXW-2030")
2031	RESERVED
2032	RESERVED
2033	Docket Control Order, *AX Wireless LLC v. Acer Inc.*, No. 2:23-cv-00041-JRG-RSP (E.D. Tex. Oct. 13, 2023), ECF No. 35 ("AXW-2033")
2034	Defendant Acer Inc.'s Initial Disclosures Pursuant to Paragraphs 1 and 3 of the Discovery Order, *AX Wireless LLC v. Acer Inc.*, No. 2:23-cv-00041-JRG-RSP (E.D. Tex. Oct. 19, 2023) ("AXW-2034")
2035	Defendant's P.R. 3-3 Invalidity Contentions and Ineligibility Contentions, *AX Wireless LLC v. Acer Inc.*, No. 2:23-cv-00041-JRG-RSP (E.D. Tex. Nov. 30, 2023) ("AXW-2035")
2036	Defendant HP Inc.'s Rule 72(a) Objections to Order Denying Motion to Transfer to the Northern District of California, *AX Wireless LLC v. HP Inc.*, No. 2:22-cv-00279-JRG-RSP (E.D. Tex. Dec. 21, 2023), ECF No. 101 ("AXW-2036")
2037	Fourth Amended Docket Control Order, *AX Wireless LLC v. Dell Inc.*, No. 2:22-cv-00277-RWS-RSP (E.D. Tex. Jan. 2, 2024), ECF No. 161 ("AXW-2037")
2038	Third Amended Docket Control Order, *AX Wireless LLC v. HP Inc.*, No. 2:22-cv-00279-JRG-RSP (E.D. Tex. Jan. 2, 2024), ECF No. 102 ("AXW-2038")
2039	Declaration of Amit Makker In Response to Petitioner's Objections to Patent Owner's Evidence ("AXW-2039") [*served, not filed*]

Exhibit	Description
2040	Amended Docket Control Order, *AX Wireless LLC v. Lenovo Group Limited*, No. 2:22-cv-0280-JRG-RSP (E.D. Tex. Feb. 24, 2023), ECF No. 58 ("AXW-2040")
2041	Docket Control Order, *AX Wireless LLC v. Dell Inc.*, No. 2:22-cv-00277-JRG-RSP (E.D. Tex. Dec. 10, 2022), ECF No. 48 ("AXW-2041")
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2082	Confidential Agreement [*Parties and Board Only*] ("AXW-2082")

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, Patent Owner AX Wireless, LLC ("Patent Owner") and Petitioner Intel Corporation ("Petitioner") hereby jointly request that the above-referenced pending *inter partes* review be terminated. The Board previously authorized the parties to file a motion to terminate in an email to the parties on June 24, 2024. On June 27, 2024, the parties filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 20), a Joint Request to File Confidential Statement As Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 21), and a copy of the Confidential Statement (Ex. 1047). On July 16, 2024, the Board issued an Order denying the Motion and Joint Request without prejudice. The Board authorized the parties to file a renewed motion to terminate and renewed request to treat the settlement paper as confidential (Paper 22).

Good cause exists to terminate this proceeding. Pursuant to 37 C.F.R. §§ 42.5 and 42.72, the 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), such as this one. "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 Consolidated Trial Practice Guide (Nov. 2019), at 86; *see also* 35 U.S.C. § 317(a) ("An *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the

petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.”). Here, the parties respectfully submit that termination is appropriate because they have reached an agreement resolving their dispute concerning the patent at issue in the above-captioned *inter partes* review, briefing has not been completed on the issues raised in the above-captioned *inter partes* review, and the Board has not issued a final written decision or decided the merits of the proceeding.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), Patent Owner and Petitioner submit concurrently herewith a Confidential Agreement signed by the Patent Owner and Petitioner that includes all agreements that resolve the issues in the above-captioned *inter partes* review. *See* Confidential AXW-2082. In addition, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties are concurrently filing a joint request that the Confidential Agreement (Confidential AXW-2082) be treated as business confidential information, be kept separate from the file of the involved patent, and be made available, on written request to the Board, only to Federal Government agencies or to any person on a showing of good cause.

Respectfully submitted,

Dated: July 23, 2024

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 23rd day of July, 2024, a true and correct copy of the foregoing **Renewed Joint Motion to Terminate Proceeding Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 and Exhibit 2082** were served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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