

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEMPUR SEALY INTERNATIONAL, INC.,
SEALY TECHNOLOGY LLC, and
SEALY MATTRESS MANUFACTURING CO., LLC,

Petitioners,

v.

PURPLE INNOVATION, LLC,

Patent Owner

U.S. PATENT NO. 11,317,733

Case IPR2024-00482

JOINT MOTION TO TERMINATE PROCEEDING

Pursuant to 35 U.S.C. § 317(a), Petitioners Tempur Sealy International, Inc., Sealy Technology, LLC, and Sealy Mattress Manufacturing Co., LLC (collectively, “Petitioners”) and Patent Owner Purple Innovation, LLC (“Patent Owner”) (collectively, “the Parties”) have resolved their dispute and jointly request termination of IPR2024-00482 under 35 U.S.C. § 317(a).

I. STATEMENT OF FACTS

The Parties have executed a confidential settlement agreement (“Settlement Agreement”) to resolve all present disputes and to avoid any additional disputes regarding U.S. Patent No. 11,317,733 (“the ’733 Patent”), including this *inter partes* review (IPR) proceeding. The Parties are filing currently with this joint motion: (i) the Settlement Agreement resolving, *inter alia*, the present *inter partes* review proceeding (Exhibit 1022); and (ii) a “Joint Request To File Settlement Agreement As Business Confidential Information” under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The Parties certify that there are no other agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding.

A joint motion to terminate generally must “(1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue; (3) identify any related proceedings currently before the Office; and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding.” *Heartland Tanning, Inc. v. Sunless, Inc.*, IPR2014-00018, Paper 26 at 2 (P.T.A.B. July 28, 2014).

A. Brief Explanation

Termination is appropriate in this case because the Parties have resolved all of their disputes relating to the '733 Patent, as set forth in the confidential Resolution Document. See Exhibit 1022.

Petitioners and Patent Owner each support termination of the proceeding. This proceeding is still in its preliminary stages. Patent Owner has not filed a Preliminary Response to the Petition, and the Board has not rendered an Institution Decision.

B. Related Litigation

The '733 Patent was previously asserted by Patent Owner in *Purple Innovation, LLC v. Tempur Sealy International, Inc., Sealy Technology LLC, Sealy Mattress Manufacturing Co., LLC*, No. 23-cv-00257-CCE-LPA (M.D.N.C.), filed March 24, 2023, but the Parties jointly filed a stipulation of dismissal of all claims and counterclaims with prejudice. There is no other active litigation involving the '733 Patent.

C. Related Proceedings Before the Office

The '733 Patent is not subject to any other related proceedings before the Office.

II. STATEMENT OF RELIEF REQUESTED

Due to the resolution of all of the Parties' disputes relating to the patent that is the subject of this IPR proceeding, the Parties jointly request termination of IPR2024-00482 under 35 U.S.C. § 317(a). The requested relief is appropriate

because the Parties have resolved all of their disputes in this proceeding relating to the '733 Patent. A true copy of the document resolving the disputes related to the '733 Patent is filed concurrently herewith. See Exhibit 1022; 37 CFR § 42.74(b). Further, a termination of this proceeding will promote efficiency and conserve the Board's and the parties' resources.

III. CONCLUSION

For these reasons, the Parties respectfully request termination of this IPR of the '733 Patent.

Date: March 14, 2024

Respectfully submitted,

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/W. Todd Baker/

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CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. § 42.6(e), the undersigned hereby certifies that a complete copy of the foregoing document was served on March 14, 2024, on counsel of record for the Patent Owner via email to the following address:

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