

Filed on behalf of: AX Wireless, LLC

Entered: July 23, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DELL INC., and DELL TECHNOLOGIES INC.,  
Petitioner,

v.

AX Wireless, LLC,  
Patent Owner.

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Case IPR2024-00682  
Patent No. 10,917,272

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

**Exhibit List**

| <b>Exhibit</b> | <b>Description</b>                                                    |
|----------------|-----------------------------------------------------------------------|
| 2001           | Confidential Agreement [ <i>Parties and Board Only</i> ] (“AXW-2001”) |

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 Petitioners Dell Inc. and Dell Technologies Inc. (“Petitioners”) 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 July 1, 2024, the parties filed a Joint Motion to Terminate Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 8), 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 9), and a copy of the Confidential Statement (Ex. 1050). On July 15, 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 10).

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. Moreover, the parties filed a Joint Stipulation for Dismissal in the United States District Court for the Eastern District of Texas on June 24, 2024 in the underlying lawsuit styled *AX Wireless LLC v. Dell Inc. and Dell Technologies Inc.*, No. 2-22-cv-00277 (E.D. Tex.).

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), Patent Owner and Petitioners submit concurrently herewith a Confidential Agreement signed by Patent Owner and Petitioners that includes all agreements that resolve the issues in the above-captioned *inter partes* review. *See* Confidential AXW-2001. 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-2001) 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

By: / S. Giri Pathmanaban /

S. Giri Pathmanaban (Reg. No. 75,986)  
giri.pathmanaban@lw.com  
Latham & Watkins LLP  
300 Colorado Street, Suite 2400  
Austin, TX 78701-3295  
Telephone: 737.910.7300  
Fax: 737.910.7301

*Counsel for Patent Owner  
AX Wireless, LLC*

Respectfully submitted,

Dated: July 23, 2024

By: / Jonathan R. Carter /

Jonathan R. Carter (Reg. No. 75,145)  
Carter-ptab@perkinscoie.com  
Perkins Coie LLP  
1155 Avenue of the Americas, 22nd Floor  
New York, New York 10036  
Tel: 212.261.6826  
Fax: 212.977.1649

*Counsel for Petitioners  
Dell Inc. and Dell Technologies Inc.*

**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 2001** were served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

Jonathan R. Carter (Reg. No. 75,145)  
Perkins Coie LLP  
1155 Avenue of the Americas, 22<sup>nd</sup> Floor  
New York, New York 10036  
Carter-ptab@perkinscoie.com  
Tel: 212.261.6826  
Fax: 212.977.1649

Bryan S. Banks (Reg. No. 52,588)  
Perkins Coie LLP  
2901 North Central Avenue, Suite 2000  
Phoenix, Arizona 85012  
Banks-ptab@perkinscoie.com  
Tel: 602.351.8096  
Fax: 602.648.7043

Matthew W. Hindman (Reg. No. 57,398)  
Perkins Coie LLP  
3150 Porter Drive  
Palo Alto, CA 94304-1212  
hindman-ptab@perkinscoie.com  
Tel: 650.838.4372  
Fax: 650.838.4350

By: / S. Giri Pathmanaban /

S. Giri Pathmanaban (Reg. No. 75,986)  
giri.pathmanaban@lw.com  
Latham & Watkins LLP  
300 Colorado Street, Suite 2400  
Austin, TX 78701-3295  
Telephone: 737.910.7300  
Fax: 737.910.7301

*Counsel for Patent Owner*  
*AX Wireless, LLC*