

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZEPP HEALTH CORPORATION,

Petitioner

v.

**WORCESTER POLYTECHNIC INSTITUTE;
THE RESEARCH FOUNDATION FOR THE STATE
UNIVERSITY OF NEW YORK**

Patent Owners

**Case No. IPR2025-00522
U.S. Patent No. 9,713,428**

JOINT MOTION TO TERMINATE PROCEEDING

UPDATED EXHIBIT LIST

Exhibit No.	Description
Ex-1001	U.S. Patent No. 9,713,428
Ex-1002	Declaration of Dr. George E. Yanulis (“Yanulis Decl.”)
Ex-1003	Curriculum Vitae of George E. Yanulis
Ex-1004	File History of U.S. Patent No. 9,713,428
Ex-1005	Asada, H. Harry, Phillip Shaltis, Andrew Reisner, Sokwoo Rhee, and Reginald C. Hutchinson. “Mobile Monitoring with Wearable Photoplethysmographic Biosensors.” <i>IEEE Engineering in Medicine and Biology Magazine</i> , vol. 22, no. 3 (July 1, 2003): 28-40. (“Asada”)
Ex-1006	International Patent Application Publication No. WO 2009/018570, filed on August 4, 2008 and published on February 5, 2009 (“Chon-570”)
Ex-1007	Delorme, Arnaud, Scott Makeig, and Terrence Sejnowski. “Automatic Artifact Rejection for EEG Data Using High-Order Statistics and Independent Component Analysis.” <i>Proceedings of the 3rd International Independent Component Analysis and Blind Source Decomposition Conference</i> (pp. 9-12). San Diego, CA: Institute for Neural Computation, University of California (April 4, 2003) (“Delorme”)
Ex-1008	Chon, Ki H., Yuru Zhong, Leon C. Moore, Niels H. Holstein-Rathlou, and William A. Cupples. “Analysis of Nonstationarity in Renal Autoregulation Mechanisms Using Time-Varying Transfer and Coherence Functions.” <i>American Journal of Physiology. Regulatory, Integrative and Comparative Physiology</i> , vol. 295, issue 3 (May 21, 2008): R821–R828. (“Chon-2008”)
Ex-1009	Chon, Ki H., Shishir Dash, and Kihwan Ju. “Estimation of Respiratory Rate from Photoplethysmogram Data Using Time–Frequency Spectral Estimation.” <i>IEEE Transactions on Biomedical Engineering</i> , vol. 56, no. 8 (July 28, 2009): 2054-2063. (“Chon-2009”)
Ex-1010	Greco, Antonino, Nadia Mammone, Francesco Carlo Morabito, and Mario Versaci. “Kurtosis, Renyi’s Entropy and Independent

	Component Scalp Maps for the Automatic Artifact Rejection from EEG data. <i>International Journal of Signal Processing</i> , vol. 2, no. 4 (January 31, 2006): 240-244. (“Greco”)
Ex-1011	U.S. Patent Application Publication No. 2007/0100246, filed on October 31, 2006 and published on May 3, 2007 (“Hyde”)
Ex-1012	U.S. Patent No. 4,510,944 was filed on December 30, 1982 and published on April 16, 1985 (“Porges”)
Ex-1013	Zhao, He, Sheng Lu, Rui Zou, Kihwan Ju, and Ki H. Chon. “Estimation of Time-Varying Coherence Function Using Time-Varying Transfer Functions.” <i>Annals of Biomedical Engineering</i> , vol. 33, no. 11 (November 30, 2005): 1582–1594. (“Zhao”)
Ex-1014	Declaration of Dr. Sylvia Hall-Ellis (“Hall-Ellis Decl.”)
Ex-1015	Judge Robert W. Schroeder, III (E.D. Tex.) – Calendar Events Set for 2/17/2026
Ex-1016	Judge Robert W. Schroeder, III (E.D. Tex.) – Case Statistics
Ex-1017	Docket entries in <i>Research Foundation for The State University of New York v. Xiaomi Corporation et al.</i> , No. 2:23-cv-00353-RWSRSP (E.D. Tex.)
Ex-1018	Zepp Health Corporation’s Stipulation Regarding Invalidity Challenges
Ex-1019	Docket Control Order (Dkt. 58) in <i>Research Foundation for The State University of New York v. Xiaomi Corporation et al.</i> , No. 2:23-cv-00353-RWS-RSP (E.D. Tex.)
Ex-1020	[sealed]
Ex-1021	Docket entry 84 in <i>Research Foundation for The State University of New York v. Xiaomi Corporation et al.</i> , No. 2:23-cv-00353-RWS- RSP (E.D. Tex.)

Petitioner Zepp Health Corporation (“Petitioner”) and Patent Owners Worcester Polytechnic Institute and The Research Foundation for The State University of New York (“Patent Owners”) (collectively “the Parties”) have entered into a confidential agreement (the “Agreement”) that resolves all underlying disputes between the Parties involving U.S. Patent No. 9,713,428 (“the ’428 Patent”). In an email dated June 23, 2025, the Board authorized the Parties to file (a) a joint motion to terminate and (b) a joint request to treat the Agreement as business confidential information.

As authorized, and pursuant to 35 U.S.C. § 317, 37 C.F.R. § 42.74, and the PTAB’s guidance, the Parties hereby jointly request termination of the above-captioned *inter partes* review proceeding in its entirety. The *inter partes* review proceeding is currently pending before institution. There are no other petitioners or parties involved in the proceeding.

On June 24, 2025, the District Court granted the Parties’ Joint Motion to Dismiss the litigation related to the ’428 Patent—*The Research Foundation for The State University of New York et al v. Xiaomi Corporation et al*, 2:23-cv-00353-RWS-RSP (E.D. Tex.) (Dkt. 84.) To be clear, there are no currently pending district court litigations involving the ’428 Patent. The Parties are not aware of any related proceedings currently before the Office.

Good cause exists to terminate these proceeding because (1) the Agreement executed by the Parties is a written settlement agreement that resolves all disputes in these matters and (2) the Board has not determined the merits of the proceedings. Indeed, the Board has not yet rendered a decision on institution. Terminating this proceeding thus serves the interests of judicial economy as well as the mutual interests of the Parties.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true and correct copy of the Agreement is being filed concurrently herewith¹. The Parties are also filing concurrently herewith a joint request under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) to treat the Agreement as business confidential information and keep it separate from the files of the IPR proceedings and their respective subject patents. The Parties certify that there are no other agreements or understanding, oral or written, between the Parties made in connection with, or in contemplation of, the termination of this proceeding.

Dated: June 30, 2025

Respectfully submitted,

¹ The agreement is being filed via the Patent Trial and Appeal Board Case Tracking System (PTACTS) system with access to the “Board only.”

FOR PETITIONER	FOR PATENT OWNERS
<p data-bbox="219 241 771 535"> /s/ Jack Shaw Jack Shaw (Reg. No. 72,262) Cherry Johnson Siegmund James PC JShaw@cjsjlaw.com 8140 Walnut Hill Lane, Suite 105, Dallas, TX 75231 Tel: 254-732-2242 </p> <p data-bbox="219 577 649 609"><i>Lead Counsel for Petitioner</i></p>	<p data-bbox="803 241 1429 535"> /Jason Shapiro/ Jason Shapiro (Reg. No. 35,354) Devlin Law Firm LLC 1526 Gilpin Avenue Wilmington, DE 19806 Phone: (302) 449-9010 jshapiro@devlinlawfirm.com </p> <p data-bbox="803 577 1299 609"><i>Lead Counsel for Patent Owners</i></p>