

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION and HP INC.,
Petitioners,

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner.

Patent No. 9,219,780

Inter Partes Review No. IPR2020-01270

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

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74, Petitioner HP, Inc. and Patent Owner Synkcloud Technologies LLC jointly request to terminate *Inter Partes* Review of U.S. Patent No. 9,219,780, Case No. IPR2020-01270. Microsoft has already withdrawn from the proceeding, leaving HP, Inc. as the sole remaining petitioner. HP, Inc. and Synkcloud are also jointly requesting termination of the following related proceedings, each of which are pending following institution: IPR2020-01031, IPR2020-01032, IPR2020-01271, and IPR2020-01269.

I. Background

On November 16, 2021, HP, Inc. and SynKloud entered into a settlement agreement with regard to the patents at issue in these proceedings. HP, Inc. and SynKloud now desire the IPR to be terminated. On November 16, 2021, the parties jointly requested authorization to file a motion to terminate and to file a request to treat the settlement agreement as confidential information. On the following day, November 17, 2021, the Board granted authority to file a Joint Motion to Terminate and Joint Request that the Settlement Agreement be Treated as Business Confidential Information pursuant to 37 C.F.R. § 42.74.

II. Termination is Appropriate

Termination is appropriate because Petitioner HP, Inc. (the sole remaining petitioner) desires to abandon this contest, and Patent Owner does not oppose termination of the proceeding. 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”). The parties have also filed a true copy of the written settlement agreement made in connection with the request for termination, in accordance with 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74(c). Finally, termination of this proceeding encourages settlement consistent with judicial economy and preference.

The settlement agreement between HP, Inc. and Syncloud is in writing and a true and correct copy of the agreement as Exhibit 2043, is filed concurrently with the present motion as business confidential information under 35 U.S.C. § 317(b). Pursuant to 37 C.F.R. § 42.74(c), a Joint Request that the Settlement Agreement be Treated as Business Confidential Information is submitted herewith.

Congress and the federal courts have expressed a strong interest in encouraging settlement in litigation. *See, e.g., Delta Air Lines, Inc. v. August*, 450 U.S. 346, 352 (1981) (“The purpose of [Federal Rule of Civil Procedure] 68 is to encourage the settlement of litigation.”); *Bergh v. Dept. of Transp.*, 794 F.2d 1575, 1577 (Fed. Cir. 1986) (“The law favors settlement of cases.”). The Federal Circuit also places a particularly strong emphasis on settlement. *See Flex-Foot, Inc. v. CRP, Inc.*, 238 F.3d 1362, 1370 (Fed. Cir. 2001) (“Upholding the terms of settlement agreements encourages patent owners to agree to settlements and promotes judicial economy.”); *Cheyenne River Sioux Tribe v. U.S.*, 806 F.2d 1046, 1050 (Fed. Cir.

1986) (noting that the law favors settlement to reduce antagonism and hostility between parties).

III. Conclusion

For the foregoing reasons, the parties jointly and respectfully request termination of the proceeding in Case No. IPR2020-01270.

Dated: November 22, 2021

Respectfully Submitted,
/s/ Joseph A. Micallef
Joseph A. Micallef
Reg. No. 39,772
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
Attorney for Petitioners

By: /s/ Gregory J. Gonsalves
Dr. Gregory Gonsalves
Reg. No. 43,639
Capitol IP Law Group, PLLC
1918 18th St, Unit 4, NW
Washington, DC 20009
Phone: 571-419-7252
Email: gonsalves@capitoliplaw.com

Yeasun Yoon
Reg. No: 73,663
Capitol IP Law Group, PLLC
1918 18th St, Unit 4, NW
Attorneys for Patent Owner

CERTIFICATE OF SERVICE

Under 37 C.F.R. §§ 42.6(e), this is to certify that I caused an electronic copy of the foregoing and its exhibits to be served on the Petitioners' lead and backup counsel listed below by filing in the Patent Review Processing System and by email to the following email addresses:

Lead Counsel

Joseph A. Micallef
Reg. No. 39,772
iprnotices@sidley.com
jmicallef@sidley.com
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8492

Backup Counsel

Scott M. Border
Reg. No. 77,744
sborder@sidley.com
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8818

Date: November 22, 2021

By: /Gregory Gonsalves
Dr. Gregory Gonsalves