

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADOBE INC.,
Petitioner

v.

SYNKLOUD TECHNOLOGIES, LLC,
Patent Owner

Case IPR2020-01392
U.S. Patent 9,239,686

**JOINT MOTION TO TERMINATE
PURSUANT TO 35 U.S.C. § 317 AND 37 C.F.R. § 42.72**

Pursuant to 35 U.S.C. §317 and 37 C.F.R. § 42.72, and the Board’s authorization of June 22, 2021, Patent Owner SynKloud Technologies, LLC (“Patent Owner”) and Petitioner Adobe Inc. (“Petitioner”) (collectively, “the Parties”) have settled their dispute and jointly request termination of *Inter Partes* Review No. IPR2020-01392, regarding U.S. Patent No. 9,239,686.

I. RELATED PROCEEDINGS

Petitioner also filed IPR2020-01235 against Patent Owner’s Patent No. 10,015,254, IPR2020-01301 against Patent No. 9,219,780, and IPR2020-01393 against Patent No. 9,239,686. The parties have also agreed to settle IPRs2020-01235, 01301, and 01393 and will file a motion to terminate in each of those IPRs also.

The Parties have agreed to settle and jointly moved to dismiss with prejudice their related district court litigation concerning the patents mentioned above.

II. BRIEF EXPLANATION AS TO WHY TERMINATION IS APPROPRIATE

Inasmuch as no final written decision has yet been entered, and because Patent Owner and Petitioner are jointly making this motion, termination of this IPR is appropriate, as the Board has not yet “decided the merits of the proceeding.” 35 U.S.C. § 317(a).

Because the merits of any of the IPRs have not been determined, concluding these IPR proceedings promotes the Congressional goal to establish a more

efficient and streamlined patent system that, *inter alia*, limits unnecessary and counterproductive litigation costs. *See* “Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents,” Final Rule, 77 Fed. Reg., no. 157, p. 48680 (Tuesday, August 14, 2012). By permitting termination of IPR proceedings as to the parties upon settlement, the PTAB provides certainty as to the outcome of these proceedings. Terminating IPRs upon settlement fosters an environment that promotes settlements, thereby creating a timely, cost-effective alternative to litigation. Should the Board decide to continue the present proceedings, the Congressional goal of speedy dispute resolutions will be chilled.

III. STATUS OF RELATED LITIGATION

As noted above, the Parties jointly moved to dismiss with prejudice their related district court litigation concerning the patents mentioned above.

IV. REQUEST TO TREAT SETTLEMENT AGREEMENT AS CONFIDENTIAL INFORMATION

Pursuant to 37 C.F.R. § 42.74(b), the Parties’ settlement agreement and any collateral agreements made in contemplation of termination of the proceedings are in writing, and true and correct copies of such documents are being filed herewith as Exhibit 2042 (the “Settlement Agreement”). The Parties desire that the

Settlement Agreement be maintained as business confidential information and be kept separate from the files of the above captioned IPR under 37 C.F.R. § 42.74(c) and a separate joint request to that effect is being filed herewith.

V. CONCLUSION

For the foregoing reasons, Patent Owner and Petitioner jointly request that the Board terminate this *Inter Partes* Review proceeding.

Respectfully Submitted,

Dated: June 23, 2021

By: /s/ Gregory J. Gonsalves

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CERTIFICATE OF SERVICE

I hereby certify that the Joint Motion To Terminate was served on this 23rd day of June, 2021 by electronic mail to the following:

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