

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC., DELL TECHNOLOGIES INC., VMWARE,
INC., JUNIPER NETWORKS, INC., HEWLETT PACKARD ENTERPRISE
COMPANY and ARUBA NETWORKS, INC.,
Petitioners,

v.

SABLE NETWORKS, INC.,
Patent Owner.

Case No. IPR2020-01712
Patent 8,243,593

**JOINT MOTION OF ALL PARTIES TO TERMINATE
PURSUANT TO 35 U.S.C. § 317**

EXHIBIT LIST	
2001	Settlement Agreements (CONFIDENTIAL)

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, the parties to this case, Palo Alto Networks, Inc., Dell Technologies Inc., VMware, Inc., Juniper Networks, Inc., Hewlett Packard Enterprise Company, and Aruba Networks, Inc. (collectively “Petitioner”) and Patent Owner Sable Networks, Inc. (“Patent Owner”) (collectively “the Parties”), jointly request termination of *inter partes* review (“IPR”) of the pending case between the Parties. For the Board’s convenience, it is noted that this is one of six substantially identical motions being filed simultaneously in six cases, including the present case, as laid out below:

IPR	Patent	Petitioner
IPR2020-01712	8,243,593	Palo Alto Networks, Inc., Dell Technologies Inc., VMware, Inc., Juniper Networks, Inc., Hewlett Packard Enterprise Company, and Aruba Networks, Inc.
IPR2021-00051	7,012,919	Palo Alto Networks, Inc.
IPR2021-00063	6,977,932	Palo Alto Networks, Inc., Dell Technologies Inc., Juniper Networks, Inc., Hewlett Packard Enterprise Company, and Aruba Networks, Inc.
IPR2021-00203	6,977,932	Palo Alto Networks, Inc., Dell Technologies Inc., Juniper Networks, Inc., Hewlett Packard Enterprise Company, and Aruba Networks, Inc.
IPR2021-00061	8,085,775	Cisco Systems, Inc., Palo Alto Networks, Inc.,

		Hewlett Packard Enterprise Company, and Aruba Networks, Inc.
IPR2021-00166	8,817,790	Cisco Systems, Inc., Palo Alto Networks, Inc., Hewlett Packard Enterprise Company, and Aruba Networks, Inc.

The disputes between Petitioner and Patent Owner have been resolved, and pursuant to written agreements (the “Settlement Agreements”) that resolve those disputes, the Parties now move to terminate this IPR. In accordance with 37 C.F.R. § 42.20(b), the Parties jointly sought authorization to file this motion, and received such authorization from the Board on February 1, 2021.

Termination is proper for at least the following reasons:

- The Board has not yet “decided the merits of the proceeding *before the request for termination is filed.*” 35 U.S.C. § 317(a) (emphasis added); 77 Fed. Reg. at 48,768 (“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.”). In this case, no decision regarding whether to grant or deny institution has yet been entered. This supports the propriety of terminating this proceeding. *Id.* And 35 U.S.C. § 317(a) provides that even “[a]n 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.”

- The Parties are jointly requesting termination. 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012) (“There are strong public policy reasons to favor settlement between the parties to a proceeding”).
- The other proceedings involving the Patents-At-Issue that have been recently terminated pursuant to settlement include:
 - *Sable Networks, Inc. et al. v. Dell Technologies Inc. et al.*, No. 6:20-cv-00569-ADA (W.D. Tex.) (Order of dismissal with prejudice, Jan. 25, 2021 (Dkt. 47));
 - *Sable Networks, Inc. et al. v. Fortinet, Inc.*, No. 5:20-cv-00109-RWS (E.D. Tex.) (Order of dismissal, Jan. 26, 2021 (Dkt. 64)), No. 5:20-cv-00196-RWS (E.D. Tex.) (Order granting agreed motion to dismiss with prejudice, Jan. 26, 2021 (Dkt. 14));
 - *Sable Networks, Inc. et al. v. Cisco Systems, Inc.*, No. 6:20-cv-00288-ADA (W.D. Tex.) (Order of dismissal with prejudice, Jan. 20, 2021 (Dkt. 52));
 - *Sable Networks, Inc. et al. v. Juniper Networks, Inc.*, No. 6:20-cv-00524-ADA (W.D. Tex.) (stipulation of dismissal with prejudice, Jan. 20, 2021 (Dkt. 64));
 - *Sable Networks, Inc. et al. v. Nokia Corp. et al.*, No. 6:20-cv-00808-ADA (W.D. Tex.) (Order of dismissal with prejudice, Jan. 26, 2021 (Dkt. 33));

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