

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
APPLE INC.,
HEWLETT PACKARD ENTERPRISE CO.,
ARUBA NETWORKS, LLC

Petitioners,

- vs. -

BILLJCO, LLC,

Patent Owner

IPR2022-00426

U.S. Patent No. 8,761,804

**JOINT MOTION TO TERMINATE *INTER PARTES*
REVIEW AS TO PETITIONER CISCO SYSTEMS, INC.**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner Cisco Systems, Inc. (“Cisco”) and Patent Owner BillJCo, LLC (“Patent Owner”) (collectively “the Parties”), jointly request termination of *inter partes* review (“IPR”) of the pending case with respect to Cisco. The dispute between Cisco and Patent Owner has been resolved pursuant to a written agreement (the “Settlement Agreement”) that resolves the dispute. As such, the Parties now move to terminate this IPR proceeding with respect to Cisco. For the avoidance of doubt, the Parties state that the IPR will continue with respect to Petitioners Apple Inc., Hewlett-Packard Enterprise Co., and Aruba Networks, LLC.

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 May 31, 2022.

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 litigation proceeding styled as *BillJCo, LLC v. Cisco Systems, Inc.*, Case No. 2:21-cv-181 (E.D. Tex.) involving the Patent-At-Issue has been recently terminated pursuant to the Settlement Agreement.

- The Settlement Agreement, Exhibit 3001, has been made in writing, and a true and correct copy shall be filed with this Office as business confidential information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b)-(c). The Parties certify that there are no collateral agreements or understandings made in connection with, or in contemplation of, the termination of this *inter partes* review.

For the foregoing reasons, the Parties jointly and respectfully request that the Board terminate the instant proceeding with respect to Cisco. Further, counsel for Cisco identified below withdraw from representation of any Petitioners in the instant proceeding. Counsel for Cisco understands that the remaining Petitioners will file updated Mandatory Disclosures identifying new lead counsel for the instant proceeding.

Respectfully submitted,

Date: June 9, 2022

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