

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

BILLJCO, LLC,
Patent Owner.

Case: IPR2022-00426
U.S. Patent No. 8,761,804

**JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW AS TO
PETITIONERS HEWLETT PACKARD ENTERPRISE CO. AND
ARUBA NETWORKS, LLC AND TO TREAT SETTLEMENT
AGREEMENT AS CONFIDENTIAL**

EXHIBIT LIST

Exhibit No.	Description
1001	U.S. Patent No. 8,761,804 (“the ’804 Patent”)
1002	Prosecution History of U.S. Patent No. 8,761,804
1003	Curriculum Vitae of Darrell D.E. Long
1004	Declaration of Darrell D.E. Long, dated January 14, 2022
1005	U.S. Patent No. 7,123,926 (“Himmelstein”)
1006	U.S. Patent Application Publication No. 2003/0014181 (“Myr”)
1007	U.S. Patent No. 6,327,535 (“Evans”)
1008	U.S. Patent No. 8,600,341
1009	Prosecution History of U.S. Patent No. 8,600,341
1010	U.S. Patent Application Publication No. 2007/0030824 (“Ribaudó”)
1011	<i>BillJCo, LLC v. Apple Inc.</i> , Case No. 6:21-cv-528, Apple, Inc.’s Opening Claim Construction Brief, Dkt. No. 32 (W.D. Tex. Dec. 2, 2021)
1012	<i>BillJCo, LLC v. Apple Inc.</i> , Case No. 6:21-cv-528, Agreed Scheduling Order, Dkt. No. 27 (W.D. Tex. Sept. 11, 2021)
1013	<i>BillJCo, LLC v. Cisco Sys., Inc.</i> , Case No. 2:21-cv-181, <i>BillJCo, LLC v. Hewlett-Packard Enterprise Co. and Aruba Networks</i> , Case No. 2:21-cv-183, Docket Control Order, Dkt. No. 44 (E.D. Tex. Oct. 25, 2021)
1014	Dufresne, A., et al., <i>How Reliable are Trial Dates Relied on by the PTAB in the Fintiv Analysis?</i> (Oct. 29, 2021)
1015	<i>Fintiv, Inc. v. Apple Inc.</i> , Case No. 6:21-cv-926-ADA, Order (Oct. 4, 2021)

Exhibit No.	Description
1016	<i>BillJCo, LLC v. Cisco Sys., Inc.</i> , Case No. 2:21-cv-181, Cisco Systems Inc.’s Motion to Transfer Venue, Dkt. No. 36 (E.D. Tex. Oct. 11, 2021)
1017	<i>BillJCo, LLC v. Hewlett-Packard Enterprise Co. and Aruba Networks</i> , Case No. 2:21-cv-183, Hewlett-Packard Enterprise Company’s and Aruba Networks, LLC’s Opposed Motion to Transfer Venue to the Northern District of California Under 28 U.S.C. § 1404, Dkt. No. 34 (E.D. Tex. Oct. 4, 2021)
1018	<i>BillJCo, LLC v. Apple Inc.</i> , Case No. 6:21-cv-528, Defendant’s Motion to Dismiss Plaintiff’s Claims of Willful Infringement as to Each Patents-in-Suit and Plaintiff’s Claims of Indirect Infringement as to Each Patents-in-Suit, Dkt. No. 16 (W.D. Tex. Aug. 2, 2021)
1019	<i>BillJCo, LLC v. Apple Inc.</i> , Case No. 6:21-cv-528, Apple Inc.’s Opposed Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404, Dkt. No. 26 (W.D. Tex. Sept. 10, 2021)
1020	Curriculum Vitae listing Prior Litigation Engagements for Darrell D.E. Long
1021	Jackson, C., <i>Radar and LORAN</i> , Popular Electronics (July 1959)
1022	Letter from Krishnan Padmanabhan, dated January 14, 2022
1023	Declaration of Rose Cordero Prey In Support of Motion to Appear <i>Pro Hac Vice</i>
1024	Claim Construction Memorandum Opinion and Order, <i>BillJCo, LLC v. Hewlett Packard Enter. Co.</i> , No. 2:21-cv-00183 (E.D. Tex. Mar. 14, 2021)
1025	Defendants Cisco Sys., Inc.’s Hewlett Packard Enter. Co.’s and Aruba Networks LLC’s Mot. for Leave to Amend Invalidity Contentions, No. 2:21-cv-00181-JRG, Dkt. 94 (filed Feb. 25, 2022)

Exhibit No.	Description
1026	Defendants Hewlett Packard Enter. Co's and Aruba Networks, LLC's Mot. to Leave to Amend Invalidity Contentions, No. 2:21-cv-00181, Dkt. 104 (filed Mar. 21, 2022).
1027	May 26, 2022 Order Granting Apple Inc.'s Petition for Writ of Mandamus
1028	Judge Gilstrap's Order Granting Motion to Stay
1029	BillJCo – HPE Settlement Agreement

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioners Hewlett Packard Enterprise Co. and Aruba Networks, LLC (collectively, “HPE”) and Patent Owner BillJCo, LLC (“Patent Owner”) (collectively “the Parties”), jointly request termination of *inter partes* review (“IPR”) of the pending proceeding with respect to HPE. The dispute between HPE and Patent Owner has been resolved pursuant to a written agreement (the “Settlement Agreement”). (Ex-1029.) As such, the Parties now move to terminate this IPR proceeding with respect to HPE.¹

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 August 25, 2022.

Termination of HPE is proper for at least the following reasons: *First*, the Board has not yet “decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a); 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.”). While the Board issued its institution decision, Patent Owner has not yet filed its Patent Owner Response. Therefore, the Board has not yet reached a final decision on the merits of the

¹ The IPR will continue with respect to Petitioner Apple Inc.

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