

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, CISCO SYSTEMS, INC., MICROSOFT CORPORATION,
AMAZON.COM, INC., AMAZON WEB SERVICES, INC., AND
AMAZON.COM SERVICES LLC,¹
Petitioner,

v.

LS CLOUD STORAGE TECHNOLOGIES LLC,
Patent Owner.

IPR2023-00120
Patent 10,154,092 B2

Before LARRY J. HUME, NEIL T. POWELL, and AMBER L. HAGY,
Administrative Patent Judges.

HUME, *Administrative Patent Judge.*

ORDER
Settlement as to Google LLC
35 U.S.C. § 317; 37 C.F.R. § 42.74

¹ Cisco Systems, INC., Microsoft Corporation, Amazon.com, INC., Amazon Web Services, INC., and Amazon.com Services LLC, which filed a petition in IPR2023-00733, have been joined as parties in this proceeding.

I. INTRODUCTION

Google LLC (“Google”) filed a Petition seeking institution of an *inter partes* review of claims 1–24 of U.S. Patent No. 10,154,092 B2 (Ex. 1001, “the ’092 patent”). Paper 2. After reviewing the Petition and Patent Owner’s preliminary response (Paper 6), we instituted an *inter partes* review. Paper 7.

After institution, Cisco Systems, Inc., Microsoft Corporation, Amazon.com, INC., Amazon Web Services, Inc., and Amazon.com Services LLC (collectively “Cisco et al.”), filed a petition and a joinder motion in IPR2023-00733, requesting that Cisco et al. be joined as a petitioner in IPR2023-00120. *Cisco et al. v. LS Cloud Storage Technologies LLC*, IPR2023-00733, Paper 1 (petition), Paper 5 (joinder motion). After considering the parties’ papers, we instituted trial in IPR2023-00733, granted Cisco et al.’s joinder motion, and added Cisco et al. as a petitioner to IPR2023-00120. *Cisco et al. v. LS Cloud Storage Technologies LLC*, IPR2023-00733 Paper 10 (Institution Decision). In addition, we entered a copy of that decision in IPR2023-00120. Paper 10.

On November 18, 2023, pursuant to our authorization, Petitioner Google and Patent Owner filed a Joint Motion to Terminate as to Petitioner Google. Paper 14 (“Motion” or “Mot.”). Google and Patent Owner also filed a copy of a Confidential Settlement and License Agreement (“Settlement Agreement”) governing their settlement. Ex. 1019. In the Motion, Google and Patent Owner made a joint request that the Settlement Agreement be treated as business confidential information and kept separate from the publicly available file of the above-captioned proceeding. Mot. 3.

II. DISCUSSION

In the Motion, Google and Patent Owner state that they have settled their dispute with respect to IPR2023-00120 and IPR2023-0073 and with respect to the related district court litigation styled *LS Cloud Technologies LLC v. Google LLC*, 1:22-cv-853-RP (W.D. Tex.). Mot. 2.

They also submit that Confidential Exhibit 1019 is a true copy of the settlement agreement and there are no other agreements made in connection with, or in contemplation of, the termination of the *inter partes* review as to Google. *Id.*

Under 35 U.S.C. § 317(a), “[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.” Any agreement or understanding “made in connection with, or in contemplation of, the termination of an *inter partes* review” must be in writing, and a true copy of any such documents must be filed in the Office before termination. *Id.* § 317(b); accord 37 C.F.R. § 42.74(b).

Because Google and Patent Owner represent that they have complied with the applicable requirements, we terminate the *inter partes* review with respect to Petitioner Google. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.74. We also grant the parties’ request to treat the settlement agreement (Exhibit 1019) as business confidential information. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

Cisco et al., the joined Petitioner in IPR2023-00120, is not a party to the settlement agreement and did not join the Motion, and apparently was

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not provided notice of settlement as to Petitioner Google. *See* Paper 14, 5. Accordingly, IPR2023-00120 remains pending as to Petitioner Cisco et al.

III. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to terminate with respect to Petitioner Google only is *granted*;

FURTHER ORDERED that Cisco Systems, Inc., Microsoft Corporation, Amazon.com, INC., Amazon Web Services, Inc., and Amazon.com Services LLC will remain as petitioners, and the case caption for all further submissions in shall be changed to remove named Petitioner Google, and to indicate by footnote the termination of Petitioner Google to this proceeding, as indicated in the attached sample case caption in IPR2023-00120;

FURTHER ORDERED that the settlement agreement (Exhibit 1019) be treated as business confidential information and be kept separate from the files of the involved U.S. Patent No. 10,154,092 B2;

FURTHER ORDERED that Cisco et al. must file an updated power of attorney to effect designation of a new lead attorney and back-up counsel;

FURTHER ORDERED that Cisco et al. must file an updated mandatory notice identifying a new lead attorney and back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3); and

FURTHER ORDERED this paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

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For PETITIONERS:

James T. Carmichael
Minghui Yang
CARMICHAEL IP, PLLC
jim@carmichaelip.com
mitch@carmichaelip.com

Brian Ferguson
Juan Yaquian
WINSTON & STRAWN LLP
beferguson@winston.com
jyaquian@winston.com

Brian Nash
MORRISON & FOERSTER LLP
bnash@mof.com

For PATENT OWNER:

William P. Ramey, III
Jacob B. Henry
RAMEY LLP
wramey@rameyfirm.com
jhenry@rameyfirm.com

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