

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC., MICROSOFT CORPORATION,
AMAZON.COM, INC., AMAZON WEB SERVICES, INC., and
AMAZON.COM SERVICES, LLC,

Petitioners,

v.

LS CLOUD STORAGE TECHNOLOGIES, LLC,

Patent Owner.

IPR2023-00120, IPR 2023-00733
U.S. PATENT NO. 10,154,092

JOINT MOTION TO TERMINATE PROCEEDING
&
JOINT REQUEST TO TREAT SETTLEMENT AGREEMENT
CONFIDENTIAL INFORMATION TO BE KEPT SEPARATE PURSUANT
TO 35 U.S.C. § 317(b)

EXHIBIT LIST

LIST OF NEWLY FILED EXHIBITS

The following exhibit is being filed with this Joint Motion To Terminate Proceeding and Joint Request To Treat The Parties' Settlement Agreement As Business Confidential Information And Be Keep Separate:

<u>Exhibit Number</u>	<u>Description</u>
2002	Settlement Agreement (LS Cloud and Microsoft)

I. STATEMENT OF RELIEF REQUESTED

Petitioner Microsoft Corporation has reached agreement with Patent Owner LS Cloud Storage Technologies, LLC (“Patent Owner”) (collectively, the “Parties”) to settle their dispute. Pursuant to 35 U.S.C. § 317, 37 C.F.R. §§ 42.72 and 42.74, and authorization provided by the Board on December 5, 2023, the Parties jointly move for termination of these *inter partes* review proceedings (IPR2023-00120, IPR2023-00733) (the “Proceedings”) between them, without prejudice to either Party. The Parties are concurrently filing a true copy of the Parties’ settlement agreement (Confidential Exhibit 1020) and request that it be kept separate and treated as “business confidential information” pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). There are no other agreements, oral or

written, between the parties made in connection with, or in contemplation of, the termination of the proceedings.

Prior to filing this motion, undersigned counsel for Petitioner Microsoft obtained permission from undersigned counsel for Patent Owner to add his signature and file this motion and request jointly on behalf of the Parties.

II. JOINT MOTION FOR TERMINATION

Good cause exists to terminate the Proceedings as to Patent Owner and Microsoft because the Parties have settled their dispute regarding the U.S. Patent No. 10,154,092 and the Parties have not completed briefing according to the Scheduling Order (Paper 8). As such, no final written decision on the merits have been entered in the Proceedings. Should this joint motion to terminate be denied, Microsoft would not continue to participate in the Proceedings. Termination of these *inter partes* reviews between Microsoft and Patent Owner is therefore proper under 35 U.S.C. § 317 and 37 C.F.R. § 42.74 and would serve the interests of judicial economy as well as the mutual interest of the Parties.

As stated in 35 U.S.C. § 317(a) and 37 C.F.R. § 42.73(d), because Patent Owner and Microsoft jointly request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach to Petitioner Microsoft.

III. REQUEST TO TREAT AS BUSINESS CONFIDENTIAL

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, the Parties jointly

request to treat the Settlement Agreement (Ex. 1020) between Patent Owner and Microsoft as Business Confidential Information that shall be kept separate from the file from the involved patent and to be made available only to Federal Government agencies on written request or to persons showing good cause. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

IV. CONCLUSION

Petitioner Microsoft and Patent Owner have settled their dispute related to U.S. Patent No. 10,154,092. Briefing has not been completed and the Board has not entered a Final Written Decision in the proceedings. Accordingly, Microsoft and Patent Owner jointly request termination of IPR2023-00120 and IPR2023-00733 as they relate to Microsoft and that the Board treat the Settlement Agreement as Business Confidential Information and keep it separate from the patent file.

Date: December 6, 2023

Respectfully submitted,

/s/ Brian E. Ferguson _____

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