

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,¹
Petitioner,

v.

LS CLOUD STORAGE TECHNOLOGIES LLC,
Patent Owner.

IPR2023-00120, IPR2023-00733
Patent 10,154,092 B2

Before LARRY J. HUME and AMBER L. HAGY, *Administrative Patent Judges*.

HUME, *Administrative Patent Judge*.

ORDER

Settlement as to Cisco Systems, Inc.
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, filed a petition in IPR2023-00733, and were joined as parties in this proceeding, IPR2023-00120. Google and Microsoft have since been terminated as parties. Paper 17 (Google), Paper 19 (Microsoft).

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. Subsequently, after a joint request by Petitioner Google and Patent Owner, we entered an Order to terminate this proceeding as to Petitioner Google (Paper 14), and after a request by Petitioner Microsoft and Patent Owner, we entered an Order to terminate this proceeding as to Petitioner Microsoft (Paper 19).

On December 7, 2023, pursuant to our authorization, Petitioner Cisco Systems, Inc. (hereinafter “Cisco”) and Patent Owner filed a Joint Motion to Terminate as to Petitioner Cisco. Paper 17 (“Motion” or “Mot.”).² As

² We note Patent Owner filed a Joint Motion to Terminate (Paper 17) in IPR2023-00120 consisting of 5 pages, and Petitioner filed a slightly different

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evidence of settlement, Cisco and Patent Owner also filed a copy of an “Agreed Stipulation of Dismissal of Defendant with Prejudice” (“Agreed Stipulation”) with the district court in the Western District of Texas (IPR2023-00120, Ex. 2003), and a copy of a “Report on the Filing or Determination of an Action Regarding a Patent or Trademark” filed with the USPTO by the Deputy Clerk of the Court. Ex. 2004.

II. DISCUSSION

In the Motion, Cisco and Patent Owner state that they have settled their dispute with respect to IPR2023-00120 and IPR2023-00733 and with respect to the related district court litigation styled *LS Cloud Storage Tech., LLC v. Cisco Systems, Inc.*, 6:22-cv-00845-ADA (W.D. Tex.). Mot. 1.

With the Motion, we note that neither Cisco nor Patent Owner filed a copy of a document styled as a settlement agreement. However, Cisco and Patent Owner submit that Exhibit 2003, styled “Agreed Stipulation,” is a true copy of a document representing the parties’ agreement to terminate this proceeding, and represent that “[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceedings.” Mot. 2.

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

Joint Motion to Terminate (IPR2023-00733, Paper 13) consisting of 8 pages. These two joint motions, while not identical, are substantively the same. We refer to Paper 17 of IPR2023-00120 in our Order.

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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 Cisco and Patent Owner jointly request termination and have submitted what they represent to be a true copy of the document reflecting their agreement in contemplation of termination in compliance with the applicable requirements, and because we have not yet issued a final written decision, we terminate the *inter partes* review with respect to Petitioner Cisco. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.74.

Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services, LLC (collectively “Amazon” or “the Amazon entities”), the remaining joined Petitioners in IPR2023-00120, are not a party to the Agreed Stipulation and did not join the Motion. Accordingly, IPR2023-00120 remains pending as to Petitioner Amazon.

III. ORDER

Accordingly, it is:

ORDERED that the Joint Motion to terminate with respect to Petitioner Cisco Systems, Inc., only is *granted*;

FURTHER ORDERED that the Amazon entities will remain as a petitioner, and the case caption for all further submissions in shall be changed to remove named Petitioner Cisco Systems, Inc., and to indicate by footnote the termination of Petitioner Cisco Systems, Inc., to this proceeding, as indicated in the attached sample case caption in IPR2023-00120; and

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

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