

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON WEB SERVICES, INC., AND
AMAZON.COM SERVICES LLC,¹

Petitioners,

v.

LS CLOUD STORAGE TECHNOLOGIES LLC,
Patent Owner.

IPR2023-00120, IPR2023-00733
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 the Amazon Entities
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 with Google, IPR2023-00120. Google, Cisco, and Microsoft have since been terminated as parties. Paper 15 (Google), Paper 19 (Microsoft), Paper 20 (Cisco).

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 15), and after a request by Petitioner Microsoft and Patent Owner, we entered an Order to terminate this proceeding as to Petitioner Microsoft (Paper 19). Similarly, after a later joint request by Petitioner Cisco and Patent Owner, we entered an Order to terminate this proceeding as to Petitioner Cisco (Paper 20).

On January 26, 2024, pursuant to our authorization, Petitioners Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services

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LLC (hereinafter “Amazon Entities”) filed an “UNOPPOSED MOTION TO TERMINATE PROCEEDING PURSUANT TO 35 U.S.C. § 317(A) AND 37 C.F.R. § 42.72.” IPR2023-00733, Paper 24 (“Motion” or “Mot.”). Patent Owner has indicated that it does not oppose. IPR2023-00733, Ex. 1024.

II. DISCUSSION

In the Motion, the Amazon Entities 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 Technologies LLC v. Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services, Inc.*, 1:22-CV-1167-RP, (W.D. Tex.). Mot. 4. As evidence of settlement, the Amazon Entities filed a copy of a “Final Judgment” issued by the district court in the Western District of Texas on March 16, 2023, in the above-cited district court case. IPR2023-00733, Ex. 1025.

With the Motion, we note that neither the Amazon Entities nor Patent Owner filed a copy of a document styled as a settlement agreement. However, the Amazon Entities submit, un rebutted by Patent Owner, that Exhibit 1025, styled “Final Judgment,” is a true copy of a document representing the parties’ agreement to terminate this proceeding. “Petitioner is moving to terminate this proceeding because Patent Owner’s district court action against Petitioner was dismissed with prejudice. (Ex. 1025). There are no agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.” Mot. 4.

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

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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 the Amazon Entities, unrebutted by Patent Owner, request termination and have submitted that there are no agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding 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 Amazon Entities. *See* 35 U.S.C. § 317(a); 37 C.F.R. § 42.74.

Because no other petitioners remain in this *inter partes* review, and no final written decision on the merits has been entered, we terminate IPR2023-00120 and IPR2023-00733 as to all parties.

III. ORDER

Accordingly, it is:

ORDERED that the Unrebutted Motion to Terminate with respect to Petitioner Amazon Entities is *granted*; and

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

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