

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> |
|-----------------------|---|
| 1020 | Settlement Agreement (LS Cloud and Microsoft) |

LIST OF PREVIOUSLY FILED EXHIBITS

| <u>Exhibit Number</u> | <u>Description</u> |
|-----------------------|---|
| 1001 | U.S. Patent No. 10,154,092 |
| 1002 | File History of U.S. Patent No. 10,154,092 (Application No. 14/997,327) |
| 1003 | File History of U.S. Patent No. 6,549,988 (Application No. 09/236,409) |
| 1004 | Declaration of Dr. Paul Franzon, Ph.D. |

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| 1005 | CV of Dr. Paul Franzon, Ph.D. |
| 1006 | U.S. Patent No. 6,173,374 (“ <i>Heil</i> ”) |
| 1007 | U.S. Patent No. 5,920,893 (“ <i>Nakayama</i> ”) |
| 1008 | U.S. Patent No. 5,692,211 (“ <i>Gulick</i> ”) |
| 1009 | U.S. Patent No. 6,118,776 (“ <i>Berman</i> ”) |
| 1010 | United States District Courts – National Judicial Caseload Profile, https://www.uscourts.gov/sites/default/files/fcms_na_distprofile0331.2022.pdf (accessed September 21, 2022) |
| 1011 | Order Staying Case in <i>LS Cloud Storage Technologies, LLC v. Google LLC</i> , 1:22-cv-00853 (W.D. Tex. 2022) |
| 1012 | USPTO Memo: Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation, June 21, 2022 |
| 1013 | Order Setting Initial Pretrial Conference for 11/3/2022 in <i>LS Cloud Storage Technologies, LLC v. Google LLC</i> , 1:22-cv-00853 (W.D. Tex. 2022) |

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| 1014 | <p>D. Patterson, G. Gibson, R. Katz, entitled “A Case for Redundant Arrays of Inexpensive Disks (RAID)”.</p> <p>SIGMOD88: International Conference On Management of Data Chicago Illinois USA June 1 - 3, 1988</p> |
| 1015 | <p>R. H. Katz, “Network-attached storage systems,”</p> <p><i>Proceedings Scalable High Performance Computing Conference SHPCC-92.</i>, Williamsburg, VA, USA, 1992, pp. 68-75</p> |
| 1016 | <p>Gang Ma and A. L. Narasimha Reddy, “An evaluation of storage systems based on network-attached disks,”</p> <p>Proceedings. 1998 International Conference on Parallel Processing (Cat. No.98EX205), Minneapolis, MN, USA, 1998, pp. 278-285.</p> |
| 1017 | <p>Average Time to Trial for Patent Cases before Judge Yeakel, retrieved from www.docketnavigator.com</p> |
| 1018 | <p>Infringement Contentions served in <i>LS Cloud Storage Technologies, LLC v. Google LLC</i>, 1:22-cv-00853 (W.D. Tex. 2022)</p> |
| 1019 | <p>Settlement and License Agreement (LS Cloud and Google)</p> |

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

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