

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 Microsoft Corporation
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 has since been terminated as a party, and a Motion for Termination is pending for Cisco. Paper 17.

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 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.

On December 6, 2023, pursuant to our authorization, Petitioner Microsoft and Patent Owner filed a Joint Motion to Terminate as to Petitioner Microsoft. Paper 16 (“Motion” or “Mot.”).² Microsoft and Patent

² We note Patent Owner filed a Joint Motion to Terminate (Paper 16) in IPR2023-00120 consisting of 6 pages, and Petitioner filed a slightly different Joint Motion to Terminate (IPR2023-00733, Paper 12) consisting of 8 pages. These two joint motions, while different, are substantively the same. We refer to Paper 16 in our Order.

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Owner also filed a copy of a Confidential Settlement and License Agreement (“Settlement Agreement”) governing their settlement. Ex. 2002. In the Motion, Microsoft 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. 2–3.

II. DISCUSSION

In the Motion, Microsoft and Patent Owner state that they have settled their dispute with respect to IPR2023-00120 and IPR2023-00733 and, although not explicitly stated in the Motion, we infer Microsoft and Patent Owner have settled their dispute with respect to the related district court litigation styled *LS Cloud Storage Technologies, LLC v. Microsoft Corporation*, 1:22-cv-00974 (W.D. Tex. 2022). Mot. 2. “The Parties shall dismiss with prejudice all claims brought in the Lawsuit with respect to all claims within five (5) business days of the Effective Date by filing an Agreed Motion to Dismiss with Prejudice and Agreed Order of Dismissal substantially in the form attached hereto as Exhibit A.” Ex. 1020 § 4.1 “Dismissal.”

The parties also submit that Confidential Exhibit 1020 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 Microsoft. Mot. 1–2.

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

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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 Microsoft and Patent Owner represent that they have complied with the applicable requirements, we terminate the *inter partes* review with respect to Petitioner Microsoft. *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 1020) as business confidential information. *See* 35 U.S.C. § 317(b); 37 C.F.R. § 42.74(c).

Cisco et al., the joined Petitioners in IPR2023-00120, are not a party to the settlement agreement and did not join the Motion. Accordingly, pending disposition of Cisco Systems, Inc. and Patent Owner’s Joint Motion to Terminate Cisco as a party (Paper 17), IPR2023-00120 remains pending as to Petitioners Cisco Systems, Inc., Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services LLC.

III. ORDER

Accordingly, it is:

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

FURTHER ORDERED that Cisco Systems, Inc., Amazon.com, Inc., Amazon Web Services, Inc., and Amazon.com Services LLC will remain as petitioners pending disposition of Cisco Systems’ and Patent Owner’s Joint Motion to Terminate (Paper 17), and the case caption for all further submissions in shall be changed to remove named Petitioner Microsoft, and to indicate by footnote the termination of Petitioner Microsoft to this

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proceeding, as indicated in the attached sample case caption in IPR2023-00120;

FURTHER ORDERED that the Settlement Agreement (Exhibit 1020) be treated as business confidential information and be kept separate from the files of the involved U.S. Patent No. 10,154,092 B2; and

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

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