

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORP., DELL TECHNOLOGIES INC., and DELL INC.,
Petitioners,

v.

OZMO LICENSING LLC,
Patent Owner.

Case No. IPR2023-01060
U.S. Patent No. 8,599,814

JOINT MOTION TO TERMINATE PROCEEDING

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, Petitioner Microsoft Corporation (“Microsoft”), Petitioners Dell Technologies Inc. and Dell Inc. (collectively, “Dell,” and together with Microsoft, “Petitioners”), and Patent Owner Ozmo Licensing LLC (“Patent Owner”) (together with Petitioners, “the Parties”), through their respective counsel of record, jointly request termination of this proceeding in view of the Parties’ resolutions of their disputes relating to U.S. Patent No. 8,599,814 (“the ’814 Patent”). The Board authorized the filing of this Joint Motion via email on March 13, 2024.

Termination is appropriate in the instant proceeding because the disputes between the Parties have been resolved. The Parties have reached confidential settlements of their disputes with respect to the ’814 Patent, which include agreements to terminate this proceeding, as well as the related district court proceeding involving the Parties. The confidential settlement agreements have been made in writing, and true and correct copies of the settlement agreements are filed concurrently with this Joint Motion as Confidential Exhibits 2001 and 2002 (which are submitted as “Parties and Board Only”), along with a separate Joint Request to Treat as Confidential and Keep Separate, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The Parties certify that there are no other collateral agreements or understandings, oral or written, made in connection with, or in contemplation of, the

termination of this proceeding. The Parties request that the settlement agreements be treated as business confidential information, be kept separate from the file of the '814 Patent, and be made available only pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Pursuant to 37 C.F.R. §§ 42.5 and 42.72, the Board may terminate a trial without rendering a final written decision, where appropriate, including pursuant to a joint request under 35 U.S.C. § 317(a). *See Winplus N. Am., Inc. v. Pilot, Inc.*, IPR2018-00488, Paper 12 (PTAB Oct. 24, 2018). “There are strong public policy reasons to favor settlement between the parties to a proceeding.” PTAB Consolidated Trial Practice Guide at 86 (November 2019). Unless the Board has already decided the merits of a proceeding, the “Board expects that a proceeding will terminate after the filing of a settlement agreement.” *Id.* (emphasis added).

This proceeding was instituted on January 16, 2024. Paper 9. Patent Owner has not yet filed its response, which is not due until April 10, 2024. Paper 10 at 11. Oral argument is set for October 17, 2024. *Id.* As such, the Board has not already decided the merits, making termination appropriate under 35 U.S.C. § 317(a) and 34 C.F.R. § 42.72. Moreover, the parallel district court litigation involving the Parties has been dismissed pursuant to the Parties’ settlement agreements.

Accordingly, for the foregoing reasons, the Parties jointly request termination of this proceeding.

Respectfully submitted this 13th day of March, 2024.

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***Attorney for Petitioners Microsoft
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and Dell Inc.***

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on March 13, 2024, the foregoing *Joint Motion to Terminate Proceeding and Exhibits referred to herein* are being served electronically by agreement of the parties at the following email addresses:

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