

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner

v.

NETSOCKET, INC.,
Patent Owner.

IPR2023-00606
U.S. Patent No. 7,616,601

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.71(a), Petitioner Cisco Systems, Inc. (“Cisco”) and Patent Owner Netsocket, Inc. (“Netsocket”) (collectively, the “Parties”) jointly request termination of this *inter partes* review of U.S. Patent 7,616,601. The Board has discretion to “grant, deny, or dismiss any petition or motion.” 37 C.F.R. § 42.71(a). The Parties respectfully request that the Board grant this Motion because the Parties’ dispute with respect to the ’601 Patent has been resolved.

Netsocket asserted the ’601 patent against Cisco in *Netsocket, Inc. v. Cisco Systems, Inc.*, No. 2:22-cv-00172 (E.D. Tex.) (“the co-pending litigation”). The Parties seek to streamline the issues in dispute by dropping all claims and counterclaims relating 7,616,601 (the “’601 Patent”). Therefore, the Parties agree to terminate the *Inter Partes* Review proceedings in IPR2023-00606, challenging claims 1 - 9 of the ’601 Patent.

The Parties filed a Joint Stipulation of Dismissal in the co-pending litigation to dismiss the ’601 patent with prejudice from the co-pending litigation. Ex.1045. Therefore, the Parties’ dispute with respect to the ’601 patent is fully resolved. The Joint Stipulation is the sole and entire agreement between Cisco and Netsocket made in connection with, or in contemplation of, terminating this proceeding. Ex.1045, p. 4, ¶ 12.

The undersigned certify that there are no other collateral agreements or understandings, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the present proceeding, and that Ex.1045 represents a true and accurate copy of the Joint Stipulation of Dismissal between the Parties that resolves the co-pending litigation proceeding. On March 15, 2024, an Order was issued granting the parties' stipulations and dismissing NetSocket's claims for infringement of the '601 Patent. Ex.1046.

On March 18, 2024, the Parties informed the Board of their agreement via email and requested authorization to file a joint motion to terminate the *inter partes* review with respect to both Parties. As set forth in an email dated March 18, 2024, the Board authorized the filing of the requested joint motion to terminate this proceeding as to both Parties. Accordingly, the Parties jointly request termination of the present proceeding.

Public policy favors terminating the present *inter partes* review proceeding. Congress and federal courts have expressed a strong interest in encouraging settlement in litigation. *See, e.g., Delta Air Lines, Inc. v. August*, 450 U.S. 346, 352 (1981) ("The purpose of [Fed. R. Civ. P.] 68 is to encourage the settlement of litigation."); *Bergh v. Dept. of Transp.*, 794 F.2d 1575, 1577 (Fed. Cir. 1986) ("The law favors settlement of cases."), *cert. denied*, 479 U.S. 950 (1986). The Federal

Circuit places a particularly strong emphasis on settlement. *See Cheyenne River Sioux Tribe v. U.S.*, 806 F.2d 1046, 1050 (Fed. Cir. 1986) (noting that the law favors settlement to reduce antagonism and hostility between Parties). Further, the Board’s Trial Practice Guide indicates that “[t]here are strong public policy reasons to favor settlement between the Parties to a proceeding.” Consolidated Trial Practice Guide, at 86 (Nov. 2019).

Terminating this *inter partes* review promotes the congressional goal of establishing a more efficient patent system by limiting unnecessary and counterproductive costs. *See Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents*, 77 Fed. Reg. 48,680 (Aug. 14, 2012). Permitting termination as to all Parties provides certainty and fosters an environment that promotes settlements, creating a timely, cost-effective alternative to litigation.

Additionally, termination of this IPR is appropriate as the Board has not yet “decided the merits of the proceeding.” Consolidated Trial Practice Guide, at 86. Cisco filed its petition for *inter partes* review on February 17, 2023. Netsocket filed Patent Owner’s Preliminary Response on June 28, 2023, Cisco filed an Authorized Reply to Patent Owner’s Preliminary Response on August 21, 2023, and Netsocket filed a Sur-Reply to Petitioner’s Reply to Preliminary Response on August 23, 2023.

The Board issued a decision on the *Inter Partes* Review granting institution on September 6, 2023, and Netsocket filed Patent Owner's Response on January 10, 2024. The Parties have not submitted any further briefs in response to the petition. The Parties have now settled their dispute and have reached agreement to terminate this *inter partes* review. The Board can conserve its resources through terminating the proceedings now, removing the need for the Board to render an institution decision or final written decision.

Therefore, the Parties respectfully request termination of this *inter partes* review.

Respectfully submitted,

Date: March 19, 2024

/Theodore M. Foster/

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/Vincent J. Rubino, III/

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PETITIONER’S UPDATED EXHIBIT LIST

March 19, 2024

Ex.1001	U.S. 7,616,601
Ex.1002	Prosecution History of U.S. 7,616,601
Ex.1003	Declaration of R. Michael Buehrer, Ph.D. under 37 C.F.R. § 1.68
Ex.1004	<i>Curriculum Vitae</i> of R. Michael Buehrer, Ph.D.
Ex.1005	U.S. 7,043,225 to Patel et al. (“Patel-225”)
Ex.1006	U.S. 6,522,628 to Patel <i>et al.</i> (“Patel-628”)
Ex.1007	U.S. 6,850,764 to Patel <i>et al.</i> (“Patel-764”)
Ex.1008	U.S. 6,865,185 to Patel <i>et al.</i> (“Patel-185”)
Ex.1009	U.S. 7,031,266 to Patel <i>et al.</i> (“Patel-266”)
Ex.1010	U.S. 7,068,624 to Patel <i>et al.</i> (“Patel-624”)
Ex.1011	“Performance of QoS Agents for Provisioning Network Resources,” Schelen <i>et al.</i> published by IEEE in 1999 (“Schelen-1999”)
Ex.1012	Schelen, O. “Quality of Service Agents in the Internet,” Doctoral Thesis, Department of Computer Science and Electrical Engineering, Division of Computer Communication, Lulea University of Technology, Lulea 1998 (“Schelen Thesis”)
Ex.1013	U.S. 6,668,175
Ex.1014	U.S. 7,190,698
Ex.1015	“The 3GPP and 3GPP2 movements toward an all-IP mobile network,” by Patel et al., in <i>IEEE Personal Communications</i> , vol. 7, no. 4, pp. 62-64, Aug. 2000, doi: 10.1109/98.863998.
Ex.1016	“IP QOS: traveling in first class on the Internet,” Metz, in <i>IEEE Internet Computing</i> , vol. 3, no. 2, pp. 84-88, March-April 1999, doi: 10.1109/4236.761658.

Ex.1017	“GSM phase 2+ general packet radio service GPRS: Architecture, protocols, and air interface,” Bettstetter <i>et al.</i> , in <i>IEEE Communications Surveys</i> , vol. 2, no. 3, pp. 2-14, Third Quarter 1999, doi: 10.1109/COMST.1999.5340709.
Ex.1018	“WCDMA for UMTS: Radio Access for Third Generation Mobile Communications,” H. Holma <i>et al.</i>
Ex.1019	“Advance Reservations for Predictive Service in the Internet,” Degermark <i>et al.</i> , (“Degermark”)
Ex.1020	“A Discussion of Bandwidth Broker Requirements for Internet2 Qbone Deployment,” Hares <i>et al.</i>
Ex.1021	“A two-tier resource management model for the Internet,” by Terzis <i>et al.</i> , <i>Seamless Interconnection for Universal Services. Global Telecommunications Conference. GLOBECOM'99. (Cat. No.99CH37042)</i> , 1999, pp. 1779-1791 vol.3, doi: 10.1109/GLOCOM.1999.832469.
Ex.1022	U.S. Pub. 2001/0027490A1
Ex.1023	“End-to-End Quality of Service for High-End Applications,” Foster <i>et al.</i>
Ex.1024	Andrew T. Campbell “A Quality of Service Architecture,” Doctoral Thesis, Computing Department Lancaster University, Lulea 1996
Ex.1025	“A Two-Tier Resource Management Model for Differentiated Services Networks,” Reichmeyer <i>et al.</i>
Ex.1026	“Resource sharing in advance reservation agents,” Schelen <i>et al.</i>
Ex.1027	U.S. 6,744,767
Ex.1028	U.S. 6,714,515
Ex.1029	U.S. 6,529,499
Ex.1030	“An Architecture for Advance Reservations in the Internet,” Berson <i>et al.</i>
Ex.1031	“Sharing resources through advance reservation agents,” by Schelen <i>et al.</i> published in Proceedings of IFIP Fifth International Workshop on Quality of Service (IWQoS'97), New York, May 1997 (“Schelen-1997”)
Ex.1032	U.S. 6,631,122

Joint Motion to Terminate
IPR2023-00606 (U.S. Patent 7,616,601)

Ex.1033	A two-bit differentiated services architecture for the internet. Internet draft, November 1997
Ex.1034	U.S. Pub. 2002/0087699A1
Ex.1035	“Internet QoS: A Big Picture,” Xiao <i>et al.</i>
Ex.1036	Complaint filed on May 24, 2022.
Ex.1037	Amended complaint filed on August 19, 2022.
Ex.1038	Declaration of Ingrid Hsieh-Yee, Ph.D. under 37 C.F.R. § 1.68
Ex.1039	<i>Reserved</i>
Ex.1040	<i>Reserved</i>
Ex.1041	Proposed Docket Control Order, <i>NetSocket, Inc., v. Cisco Systems, Inc.</i> , Civil Action No. 2:22-cv-172-JRG (E.D. Tex, Dec. 21, 2022)
Ex.1042	Federal Court Statistics
Ex.1043	Joint Motion to Amend the Docket Control Order
Ex.1044	Attachment A, Joint-Proposed Case Management Schedule
Ex.1045 (NEW)	Joint Stipulation of Dismissal of the ‘601 Patent by Netsocket, Inc. and Cisco Systems, Inc.; <i>Netsocket, Inc. v. Cisco Systems, Inc.</i>, No. 2:22-cv-00172 (E.D.Tex)
Ex.1046 (NEW)	Order Granting Joint Stipulation of Dismissal of the ‘601 Patent by Netsocket, Inc. and Cisco Systems, Inc.; <i>Netsocket, Inc. v. Cisco Systems, Inc.</i>, No. 2:22-cv-00172 (E.D.Tex)

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

Date of service March 19, 2024

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Documents served **JOINT MOTION TO TERMINATE *INTER PARTES*
REVIEW and Exhibits Ex.1045 & Ex.1046**

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