

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
PALO ALTO NETWORKS, INC., and  
FORTINET, INC.,  
Petitioner,

v.

LIONRA TECHNOLOGIES LTD.,  
Patent Owner

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Case No. IPR2023-00703  
U.S. Patent No. 8,566,612

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**JOINT MOTION TO TERMINATE PETITIONER CISCO SYSTEMS  
FROM *INTER PARTES* REVIEW PROCEEDINGS PURSUANT TO  
35 U.S.C. § 317 AND 37 C.F.R § 42.72**

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<sup>1</sup> The Board joined Palo Alto Networks, Inc. and Fortinet, Inc. as parties (Petitioner) to this proceeding via a Motion for Joinder in IPR2024-00099 and IPR2024-00158.

**Petitioner's Exhibit List**

| <b><i>Exhibit #</i></b> | <b><i>Description</i></b>                                                                                                     |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>1001</b>             | U.S. Patent No. 7,685,436 (“the ’436 Patent”)                                                                                 |
| <b>1002</b>             | Prosecution history of the ’436 patent (“’436 File History”)                                                                  |
| <b>1003</b>             | Declaration of Petitioner’s Expert Dr. Crovella (“Crovella”)                                                                  |
| <b>1004</b>             | U.S. 2003/0074473 (“Pham”)                                                                                                    |
| <b>1005</b>             | U.S. 7,424,744 (“Wu”)                                                                                                         |
| <b>1006</b>             | U.S. 7,996,670 (“Krishna”)                                                                                                    |
| <b>1007</b>             | U.S. 6,279,113 (“Vaidya”)                                                                                                     |
| <b>1008</b>             | U.S. Patent Publication 20020073316 (“Collins”)                                                                               |
| <b>1009</b>             | U.S. 7,181,017 (“Nagel”)                                                                                                      |
| <b>1010</b>             | WO 02/48857 (“Elbe”)                                                                                                          |
| <b>1011</b>             | Related Patents                                                                                                               |
| <b>1012</b>             | U.S. Patent No. 8,566,612 (“the ‘612 Patent ”)                                                                                |
| <b>1013</b>             | Prosecution history of the ‘612 Patent (“’612 File History”)                                                                  |
| <b>1014</b>             | Docket Control Order, <i>Lionra Technologies Limited v. Fortinet, Inc.</i> , Case No. 2:22-cv-00322 (E.D. Tex.) Document 55-1 |
| <b>1015</b>             | U.S. Patent Publication US 2003/0145225A1 (“Bruton”)                                                                          |
| <b>1016</b>             | Deposition of Eric Cole, PhD                                                                                                  |
| <b>1017</b>             | Supplemental Declaration of Dr. Mark Crovella                                                                                 |
| <b>1018</b>             | Settlement and License Agreement - Confidential                                                                               |

## STATEMENT OF PRECISE RELIEF REQUESTED

Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.72, and the Board's authorization provided on June 26, 2024, Petitioner Cisco Systems, Inc. ("Cisco" or "Petitioner") and Patent Owner Lionra Technologies, Ltd. ("Lionra Technologies" or "Patent Owner") (collectively, the "Parties") hereby provide notice that they have reached a settlement agreement and jointly request termination of petitioner Cisco Systems, Inc. as a petitioner in IPR2023-00673 and IPR2023-00703 challenging U.S. Patent Nos. 7,685,436 ("the '436 Patent") and 8,566,612 ("the '612 Patent").

### **I. Termination Is Appropriate**

The basis for this Joint Motion is the settlement of all disputes between Cisco and Lionra Technologies relating to the '436 Patent and the '612 Patent. Pursuant to that settlement, the Parties have also entered into a mutual release. An *inter partes* review 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 proceedings before the request for termination is filed. 37 U.S.C. § 317(a). Further, "no estoppel under section 315(e) shall attach to the petitioner, or to the real party in interest or privy of the petitioner." *See id.*

In August 2022, Patent Owner filed suit in district court against Petitioner asserting patent infringement based on the '436 Patent and the '612 Patent. *Lionra*

*Technologies Limited v. Cisco Systems, Inc. No. 2:22-cv-00305 (E.D. Tex.)* (filed Aug. 8, 2022).

On March 9, 2023, Petitioner filed IPR2023-00673 challenging the '436 Patent and IPR2023-00703 challenging the '612 Patent.

On October 18, 2023, Institution was granted with respect to IPR2023-00673 challenging the '436 Patent and IPR2023-00703 challenging the '612 Patent.

On May 9, 2024 Joinder was granted with respect to Petitioners Palo Alto Networks and Fortinet in both IPR2023-00673 and IPR2023-00703. (IPR2024-00099 and IPR2024-00158 respectively).

The settlement agreement requires the dismissal of Cisco as a party in IPR2023-00673 and IPR2023-00703.

## **II. Legal Standard**

35 U.S.C. § 317(a) provides that “[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.” 37 C.F.R. § 42.72 similarly provides that “[t]he Board may terminate a trial without rendering a final written decision, where appropriate . . . pursuant to a joint request under 35 U.S.C. § 317(a).” The Trial Practice Guide also observes that “[t]here are strong public policy reasons to favor settlement between the parties to a proceeding” and that the Board “expects

that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012).

### **III. Agreement in Writing Submitted to the Board**

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the Parties’ settlement agreement is being submitted as Exhibit 1018. The settlement agreement is in writing and constitutes the Parties’ entire understanding and agreement. Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), in a separate paper filed concurrently herewith, the Parties jointly request that the settlement agreement be treated as business confidential information and be kept separate from the underlying patent file.

### **IV. Conclusion**

Termination of the proceeding is a just and fair resolution. The Parties agree that neither Cisco nor Lionra Technologies will be prejudiced by the termination of the IPRs with respect to Petitioner Cisco. Finally, the Parties will benefit from preserving resources that would otherwise be expended if this motion is denied. For at least the foregoing reasons, the Parties respectfully request that the Board terminate Inter Partes Reviews IPR2023-00673 and IPR2023-00703 with respect to Cisco.

Respectfully submitted,

Dated: July 1, 2024

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2024, a copy of Petitioner's Joint Motion to Terminate Proceedings was served by filing this document through the PTAC's System as well as delivering a copy via electronic mail upon the following:

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