

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

Granting Amazon's Motion for Extension of Time to
Reply to Patent Owner's Response
35 U.S.C. § 316(a)(4); 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. Google has since been terminated as a party, and Motions for Termination are pending for Cisco and Microsoft. We use "Amazon" collectively herein to refer to the Amazon entities Amazon.com, Amazon Web Services, Inc., and Amazon.com Services LLC.

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, IPR2023-00120. Paper 7.

After institution, Cisco Systems, Inc., Microsoft Corporation, Amazon.com, INC., Amazon Web Services, Inc., and Amazon.com Services LLC (collectively “Cisco et al.”), 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.

On December 6, 2023, pursuant to Petitioner Google and Patent Owner’s Joint Motion to Terminate as to Petitioner Google, (Paper 14), an Order to Terminate the proceeding as to Petitioner Google was entered. Paper 15. There are currently two motions pending favorable disposition in IPR2023-00120, requesting termination as to Petitioners Microsoft (Paper 16) and Cisco (Paper 17).

II. DISCUSSION

After favorable disposition of the two current motions to terminate Petitioners Microsoft and Cisco, the posture of the case would leave the Amazon entities (“Amazon”) as the remaining Petitioner in IPR2023-00120.

The next due date from the Scheduling Order (Paper 8), as modified by “Parties' Stipulation to Modify Trial Due Dates 2 and 3” (Paper 13), is “DUE DATE 2,” December 11, 2023 (“Petitioner’s reply to Patent Owner’s response to the petition”).

Given the fast-changing status of the parties and the nearness in time of DUE DATE 2, Amazon requested, by email on December 6, 2023, a two-week extension to that deadline. Amazon further indicated that Patent Owner declined to stipulate to any such extension of DUE DATE 2.² Under the circumstances, we conclude that Amazon’s requested relief is well-founded and should be granted.

Furthermore, in the email of December 6, 2023, consistent with termination of Google and the anticipated termination of Microsoft and Cisco, Amazon “request[ed] permission to file any paper and take action on their own, including the filing of a Petitioner Reply.” In our Order granting institution and joinder in IPR2023-00733 (Paper 10), we provided that “Petitioner must obtain Board authorization prior to filing any paper or taking any action on its own unless and until Google is terminated from the Google IPR, except that Petitioner may file a motion to modify these

² We note that DUE DATE 3 (“Patent Owner’s sur-reply to Petitioner’s reply to the response to the petition”) is January 10, 2024, and no request has been received to extend that date. In the event an extension should become necessary, we encourage the parties to reach agreement and stipulate to any such extension without Board involvement.

provisions on the ground that Google is no longer an active party in the Google IPR.” Paper 10, 6. Now that Google has been terminated from this proceeding, we conclude that Amazon’s request to make filings on its own behalf should be granted.

Finally, in the email of December 6, 2023, Amazon requested access to make filings in the P-TACTS system in IPR2023-00120. We note, due to the technical architecture of the P-TACTS system, joined Petitioners are unable to make filings in the joined case, i.e., IPR2023-00120, unless Patent Owner accedes to filings on behalf of the joined Petitioner. However, joined Petitioners may make filings in their original IPR2023-00733.

III. ORDER

Accordingly, it is:

ORDERED that Petitioner Amazon’s request for an extension of DUE DATE 2 until December 26, 2023, is *granted*;

FURTHER ORDERED that Petitioner Amazon remain as Petitioner with permission to file any paper and take action on their own, including the filing of a Petitioner’s Reply;

FURTHER ORDERED that Petitioner Amazon is permitted to make any such filings in IPR2023-00733, with filed documents indicating joinder with IPR2023-00120 or, alternatively, upon mutual agreement, Patent Owner may make filings on behalf of Petitioner in IPR2023-00120;

FURTHER ORDERED that no other extensions are granted, and we reiterate that the parties may stipulate different dates for DUE DATES 5 and 6, as well as the portion of revised DUE DATE 2 related to Petitioner’s reply (earlier or later, but no later than DUE DATE 3 for Patent Owner’s

sur-reply) and the portion of DUE DATE 3 related to Patent Owner's sur-reply (earlier or later, but no later than DUE DATE 7) (*see* Papers 8, 13);

FURTHER ORDERED that Petitioner Amazon must file an updated power of attorney to effect designation of a new lead attorney and back-up counsel;

FURTHER ORDERED that Petitioner Amazon must file an updated mandatory notice identifying a new lead attorney and back-up counsel in accordance with 37 C.F.R. § 42.8(b)(3); and

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

IPR2023-00120
Patent 10,154,092 B2

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