

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner

v.

LIONRA TECHNOLOGIES LIMITED,

Patent Owner

IPR2023-01047

U.S. Patent No. 7,921,323

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 Lionra Technologies Limited. (“Lionra”) (collectively, the “Parties”) jointly request termination of this *inter partes* review of U.S. Patent 7,921,323. 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 ’323 Patent has been resolved. The Settlement Agreement is the sole and entire agreement between Cisco and Lionra made in connection with, or in contemplation of, terminating this proceeding. Ex.1034, pp. 7, ¶10.9.

The Parties are concurrently filing a copy of the confidential Settlement Agreement as Ex.1034 along with a request to treat it as confidential business information pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). 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.1034 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.

On June 24, 2024, the Parties informed the Board of their confidential 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

July 3, 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 June 12, 2023. Lionra filed its patent owner preliminary response on October 31, 2023, the Board issued an institution decision granting institution of the *Inter Partes* Review on January 19, 2024, and Lionra filed patent owner’s response on April 17, 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: July 8, 2024

/Theodore M. Foster/

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/Robert A. Auchter/

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PETITIONER’S EXHIBIT LIST

Ex.1001	U.S. Patent No. 7,921,323 to Yancey et al.
Ex.1002	File History of U.S. Patent No. 7,921,323
Ex.1003	Declaration of Dr. Daniel Blumenthal
Ex.1004	<i>Curriculum Vitae</i> of Dr. Daniel Blumenthal
Ex.1005	U.S. Patent Publication No. 2002/0059274 to Hartsell et al.
Ex.1006	U.S. Patent No. 6,907,595 to Curd et al.
Ex.1007	U.S. Patent No. 6,496,291 to Raj et al.
Ex.1008	<i>Lionra Techs. Ltd. v. Fortinet, Inc.</i> , 2:22-cv-00322-JPR-RSP, Dkt. 78 (E.D. Tex. Dec. 23, 2022)
Ex.1009	Microsoft Press, <i>Computer Dictionary</i> , Third Edition, 1997 (excerpts)
Ex.1010	“Virtex-II Pro™ Platform FPGAs: Introduction and Overview,” Xilinx, March 24, 2003 (Internet Archive Capture)
Ex.1011	“Virtex-II Pro™ Platform FPGA User Guide,” Xilinx, June 30, 2003 (Internet Archive Capture)
Ex.1012	Internet Archive Affidavit for Ex.1010, Ex.1011
Ex.1013	U.S. Patent No. 7,680,054 to Acharya
Ex.1014	U.S. Patent No. 7,039,057 to Acharya et al.
Ex.1015	U.S. Patent No. 7,382,787 to Barnes et al.
Ex.1016	United States District Court – National Judicial Caseload Profile (March 2023), available at https://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2023/03/31-1
Ex.1017	Complaint, <i>Lionra Techs. Ltd. v. Cisco Sys., Inc.</i> , No. 2:22-cv-00305 (E.D. Tex. Aug. 8, 2022)
Ex.1018	Docket Control Order, <i>Lionra Techs. Ltd. v. Cisco Sys., Inc.</i> , No. 2:22-cv-00305, Paper 55-1 (E.D. Tex. Dec. 1, 2022)
Ex.1019	Memorandum of Director Katherine K. Vidal, “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation,” June 21, 2022 (“ <i>Fintiv</i> Guidance”)
Ex.1020	PACER Calendar Events Report for Judge Rodney Gilstrap, May 20, 2024

Joint Motion to Terminate *Inter Partes* Review
IPR2023-01047 (U.S. Patent 7,921,323)

Ex.1021	L. Kazovsky et al., “Optical Fiber Communication Systems,” 1996
Ex.1022	J. Goodman, “Optical Interconnection in Microelectronics,” SPIE Vol. 456 Optical Computing, 1984
Ex.1023	R. Michalzik, “Optical Backplanes, Board and Chip Interconnects,” Fiber Optic Data Communication: Technological Trends and Advances, 2002
Ex.1024	K. Hahn et al., “Gigabyte/s Data Communications with the POLO Parallel Optical Link,” Electronics Components and Technology Conference, 1996
Ex.1025	D. Blumenthal, “Routing Packets with Light,” Scientific American, Jan. 2001
Ex.1026	M. O’Mahony et al., “The Application of Optical Packet Switching in Future Communication Networks,” IEEE Communications Magazine, Mar. 2001
Ex.1027	N. Sherwani et al., “Introduction to Multichip Modules,” 1995
Ex.1028	C. Maxfield, “The Design Warrior’s Guide to FPGAs: Devices, Tools, and Flows,” 2004
Ex.1029	U.S. Patent No. 5,898,801 to Braun
Ex.1030	Scott Hauck, “The Roles of FPGA’s in Reprogrammable Systems,” Proceedings of the IEEE, vol. 86, no. 4 (April 1998)
Ex.1031	J. Lockwood et. al., “Reprogrammable Network Packet Processing on the Field Programmable Port Extender (FPX),” FPGA 2001 (Feb. 11-12, 2001)
Ex.1032	U.S. Patent No. 6,891,397 to Brebner
Ex.1033	U.S. Patent Publication No. 2004/0249964 to Mougel
Ex.1034 (NEW)	Settlement Agreement

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 July 8, 2024

Manner of service Electronic Service: bcooper@bc-lawgroup.com;
Lionra_Counsel@b-clg.com; robert@auchterlaw.com

Documents served **Joint Motion to Terminate *Inter Partes* Review;
Joint Request to Treat Settlement Agreement As
Business Confidential Information and Be Kept
Separate; Exhibit Ex.1034.**

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