

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,
Petitioner

v.

NETSOCKET, INC.,
Patent Owner

IPR2024-00090
U.S. Patent No. 7,885,286

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 7,885,286. 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 ’286 Patent has been resolved.

Netsocket asserted the ’286 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 7,885,286 (the “’286 Patent”). Therefore, the Parties agree to terminate the *Inter Partes* Review proceedings in IPR2024-00090, challenging claims 1, 4, and 12 of the ’286 Patent.

The Parties filed a Joint Stipulation of Dismissal in the co-pending litigation to dismiss the ’286 patent with prejudice from the co-pending litigation. Ex.1043. Therefore, the Parties’ dispute with respect to the ’286 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.1043, p. 4, ¶ 13.

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.1043 represents a true and accurate copy of the Joint Stipulation of Dismissal between the Parties that resolves the co-pending litigation proceeding.

On February 8, 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 February 8, 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 October 31, 2023. Netsocket, Inc. has not filed a Patent Owner's Preliminary Response, and the Board has not issued an institution decision on the *Inter Partes* Review. 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: February 9, 2024

/Theodore M. Foster/

Theodore M. Foster
Counsel for Petitioner
Registration No. 57,456

/s/ Oded Burger

Oded Burger
Counsel for Patent Owner
Registration No. 69,539

PETITIONER’S UPDATED EXHIBIT LIST

February 9, 2024

Ex.1001	U.S. 7,885,286
Ex.1002	Prosecution History of U.S. 7,885,286
Ex.1003	Declaration of Narasimha Reddy, Ph.D. under 37 C.F.R. § 1.68
Ex.1004	<i>Curriculum Vitae</i> of Narasimha Reddy, Ph.D.
Ex.1005	U.S. Pub. 2005/0081244A1 to Barrett <i>et al.</i> (“Barrett”)
Ex.1006	U.S. 6,986,156 to Rodriguez <i>et al.</i> (“Rodriguez”)
Ex.1007	U.S. 6,543,053
Ex.1008	U.S. Pub. 2008/0205435
Ex.1009	U.S. 7,191,332
Ex.1010	U.S. 7,904,581
Ex.1011	U.S. 7,430,222
Ex.1012	U.S. 9,178,743
Ex.1013	U.S. Pub. 2006/0020995
Ex.1014	WO2004062074A2
Ex.1015	“Performance of QoS Agents for Provisioning Network Resources,” Schelen <i>et al.</i> published by IEEE in 1999
Ex.1016	U.S. 7,616,601
Ex.1017	“An Architecture for Advance Reservations in the Internet,” Berson <i>et al.</i> , 1998.
Ex.1018	“Sharing Resources through Advance Reservation Agents,” Schelen <i>et al.</i> , 1999
Ex.1019	U.S. 6,631,122
Ex.1020	U.S. 6,331,983
Ex.1021	U.S. Pub. 2004/0082338A1 to Norrgard <i>et al.</i> (“Norrgard”)

Joint Motion to Terminate
IPR2024-00090 (U.S. Patent 7,885,286)

Ex.1022	U.S. 6,865,185
Ex.1023	U.S. 7,043,225
Ex.1024	U.S. 6,487,170 to Chen <i>et al.</i> (“Chen”)
Ex.1025	U.S. Pub. 2005/0076339
Ex.1026	U.S. Pub. 2010/0226301
Ex.1027	U.S. Pub. 2004/0172464
Ex.1028	U.S. 7,889,732
Ex.1029	“Application-Specific Processing on a General-Purpose Core via Transparent Instruction Set Customization,” Clark <i>et al.</i> published by IEEE in 2004
Ex.1030	U.S. 8,898,722
Ex.1031	U.S. 6,631,122
Ex.1032	U.S. Pub. 2002/0124262
Ex.1033	U.S. 7,380,022
Ex.1034	EP0951157A1
Ex.1035	RFC3376
Ex.1036	Complaint filed on May 24, 2022
Ex.1037	Amended complaint filed on August 19, 2022
Ex.1038	Joint Motion to Amend Docket Control Order
Ex.1039	Attachment A filed on August 3, 2023
Ex.1040	Second Amended Docket Control Order
Ex.1041	Infringement Contentions
Ex.1042	A Quality of Service Architecture
Ex.1043 (NEW)	Joint Stipulation of Dismissal of Certain Asserted Patents 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 February 9, 2024

Manner of service Electronic Service: oburger@daignaultiyer.com;
cbiyer@daignaultiyer.com; netsocket@daignaultiyer.com

Documents served **JOINT MOTION TO TERMINATE *INTER PARTES*
REVIEW and Ex.1043**

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