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Paper 9
Entered: February 7, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE, LLC,
Petitioner,

v.

LIONRA TECHNOLOGIES LTD.,
Patent Owner.

IPR2024-00301
Patent 7,302,708 B2

Before PATRICK R. SCANLON, JO-ANNE M. KOKOSKI, and STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

DECISION
Settlement Prior to Institution of Trial
37 C.F.R. § 42.74

I. INTRODUCTION

On December 12, 2023, VMware, LLC ("Petitioner") filed a Petition requesting an *inter partes* review of claims 10–14 in U.S. Patent No. 7,302,708 B2 under 35 U.S.C. §§ 311–319. Paper 1. Lionra Technologies Ltd. ("Patent Owner") has not yet filed a preliminary response.

On February 5, 2024, after receiving Board authorization, Petitioner and Patent Owner filed a Joint Motion to Terminate this proceeding under 35 U.S.C. § 317(a). Paper 8. As an attachment to the Joint Motion, the parties filed a copy of an agreement titled "Joint Stipulation of Dismissal of Certain Asserted Patent by Lionra Technologies Limited and VMware LLC" (the "Joint Stipulation of Dismissal"). Paper 8, Joint Stip.

II. DISCUSSION

The parties represent that they "have settled their dispute and have reached agreement to terminate this *inter partes* review." Paper 8, 1. The parties represent that they filed the Joint Stipulation of Dismissal in "the related litigation before the United States District Court for the Western District of Texas, case number 1:23-cv-00929-DAE." *Id.* The parties also represent that the Joint Stipulation of Dismissal "is the sole and entire agreement between the parties made in connection with, or in contemplation of, the termination of this proceeding" and that "[t]here are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding." *Id.*; *see* Paper 8, Joint Stip. 3.

Further, the parties assert that terminating this *inter partes* review is appropriate because (1) "[t]here are no other petitioners in this *inter partes*

review" and (2) "no Final Written Decision on the merits has been entered." Paper 8, 2.

This proceeding has not progressed very far. As noted above, Patent Owner has not yet filed a preliminary response. Terminating this proceeding will save the Board administrative and judicial resources, e.g., in analyzing the Petition's unpatentability arguments and issuing a decision on institution. Further, "[t]here are strong public policy reasons to favor settlement between the parties to a proceeding," and "[t]he 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." Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012); *see* Consolidated Trial Practice Guide, 86 (Nov. 2019).[1]

Under these circumstances, we determine that it is appropriate to terminate this proceeding.

This Order does not constitute a final written decision under 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that the parties' Joint Motion to Terminate (Paper 8) is granted; and

FURTHER ORDERED that this proceeding is terminated as to all parties.

[1] Available at https://www.uspto.gov/TrialPracticeGuideConsolidated.

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