UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMWARE LLC,
Petitioner

v.

LIONRA TECHNOLOGIES LTD.,
Patent Owner

Inter Partes Review Case No. IPR2024-00302
U.S. Patent No. 7,302,708

JOINT MOTION TO TERMINATE PURSUANT TO 35 U.S.C. § 317(a)

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72, VMware LLC, ("Petitioner") and Patent Owner Lionra Technologies Limited ("Patent Owner") jointly move to terminate the *inter partes* review of U.S. Patent No. 7,302,708 ("the '708 Patent"), Case No. IPR2024-00302, with the United States Patent and Trademark Office. The Board authorized this Joint Motion via email on January 30, 2024.

The parties have settled their dispute and have reached agreement to terminate this *inter partes* review. In the related litigation before the United States District Court for the Western District of Texas, case number 1:23-cv-00929-DAE, the parties filed a Joint Motion requesting the Court to adopt and enter the parties' Joint Stipulation regarding the dismissal of a claim for infringement of the '708 Patent. *See* Attachment A. The parties' Joint Stipulation, provided along with the parties' Joint Motion to Dismiss in Attachment A, is the sole and entire agreement between the parties made in connection with, or in contemplation of, the termination of this proceeding. There are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding.

On January 18, 2024, the Court granted the parties' Joint Motion and dismissed the claim for infringement of the '708 patent against Petitioner with prejudice. *See* Attachment B. Enclosed herewith as Attachment B is a copy of the Court's order.

There are no other petitioners in this *inter partes* review, and no Final Written Decision on the merits has been entered. For at least these reasons, termination of the inter partes review is proper under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74(a).

Date: February 5, 2024

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

/s/ Jaysen S. Chung
Jaysen S. Chung, USPTO Reg. 68,199
GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center, Suite 2600
San Francisco, CA 94111

COUNSEL FOR PETITIONER

/s/ Robert A. Auchter
Robert A. Auchter, USPTO Reg. 38,069
AUCHTER PLLC
1629 K Street, NW, Suite 300
Washington, DC 20006

COUNSEL FOR PATENT OWNER

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on Patent Owner as detailed below.

Date of service	February 5, 2024
Manner of service	Electronic Service: bcooper@bc-lawgroup.com; Lionra_Counsel@b-clg.com; robert@auchterlaw.com
Documents served	Joint Motion to Terminate
Persons served	Brett Cooper BC LAW GROUP, P.C. 200 Madison Avenue, 24th Floor New York, NY 10016 Robert A. Auchter AUCHTER PLLC 1629 K Street, NW, Suite 300 Washington, DC 20006

BY: /*Jaysen S. Chung*/
Jaysen S. Chung, USPTO Reg. 68,199
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, CA 94105

COUNSEL FOR PETITIONER

ATTACHMENT A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LIONRA TECHNOLOGIES LTD., Plaintiff, v. VMWARE LLC., Defendant.	Case No. 1:23-cv-00929-DAE **JURY TRIAL DEMANDED**

JOINT MOTION REGARDING STIPULATION OF DISMISSAL OF CERTAIN ASSERTED PATENT BY LIONRA TECHNOLOGIES LIMITED AND VMWARE LLC

Plaintiff Lionra Technologies Limited ("Lionra"), together with Defendant VMware LLC ("VMware") respectfully submit this Joint Motion requesting that the Court adopt and enter the Joint Stipulation between Lionra and VMware regarding the dismissal of certain asserted patents, submitted as Exhibit A to this Motion.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the parties further request that the Court enter the proposed order attached as Exhibit B to this Motion dismissing Lionra's claims for infringement of U.S. Patent No. 7,302,708 ("the '708 Patent") against VMware based on VMware's manufacture, importation, use, sale and/or offer for sale of any accused VMware products.

For the reasons set forth herein, Lionra and VMware respectfully request that the Court grant this Joint Motion to (1) adopt and enter the Stipulation attached as Exhibit A and (2) enter the proposed order dismissing the claims for infringement of the '708 patent.

Dated: January 17, 2024.

By: */s/ Brett Cooper*
Brett E. Cooper (NY SBN 4011011)
bcooper@bc-lawgroup.com
Seth Hasenour (TX SBN 24059910)
shasenour@bc-lawgroup.com
Jonathan Yim (TX SBN 24066317)
jyim@bc-lawgroup.com
Drew B. Hollander (NY SBN 5378096)
dhollander@bc-lawgroup.com

BC LAW GROUP, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016
Tel.: (212) 951-0100
Fax: (646) 293-2201

ATTORNEYS FOR PLAINTIFF LIONRA TECHNOLOGIES LTD

Respectfully submitted,

By: */s/ Jaysen Chung*
Barry K. Shelton (TX SBN 24055029)
bshelton@winston.com
WINSTON & STRAWN LLP
2121 North Pearl Street, Suite 900
Dallas, TX 75201
Telephone: 214-453-6407
Facsimile: 214-453-6400

Benjamin Hershkowitz
bhershkowitz@gibsondunn.com
Brian A. Rosenthal
brosenthal@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Telephone: 212.351.4000
Facsimile: 212.351.4035

Jaysen S. Chung
jschung@gibsondunn.com
Katherine Worden
kworden@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center, Suite 2600
San Francisco, CA 94111-3715
Dallas, TX 75201-6912
Telephone: 415.393.8200
Facsimile: 415.393.8306

Nathaniel R. Scharn
nscharn@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
3161 Michelson Drive
Irvine, CA 92612-4412
Telephone: 949.451.3800
Facsimile: 949.451.4220

ATTORNEYS FOR DEFENDANT VMWARE LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service.

/s/ Brett Cooper
Brett Cooper

CERTIFICATE OF CONFERENCE

The undersigned herby certifies that counsel for Parties complied with the meet and confer requirement in Local Rule CV-7(G) on January 17, 2024, and the Parties are in agreement as to this Motion's substance, as indicated by the signatures of counsel for all Parties.

/s/ Brett Cooper
Brett Cooper

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LIONRA TECHNOLOGIES LTD., Plaintiff, v. VMWARE LLC., Defendant.	Case No. 1:23-cv-00929-DAE **JURY TRIAL DEMANDED**

JOINT STIPULATION OF DISMISSAL OF CERTAIN ASSERTED PATENT BY LIONRA TECHNOLOGIES LIMITED AND VMWARE LLC

Plaintiff Lionra Technologies Limited ("Lionra") and Defendant VMware LLC ("VMware") hereby stipulate and agree as follows:

WHEREAS, on August 7, 2023, Lionra filed a complaint (Dkt. No. 1) (the "Complaint") in *Lionra Technologies Limited v. VMware LLC.*, Case No. 1:23-cv-929, the above-captioned action alleging certain VMware products identified therein infringed U.S. Patent Nos. 7,302,708 ("the '708 Patent"), 9,264,441 ("the '441 Patent"), and 7,623,518 ("the '518 Patent") (collectively, the "patents-in-suit");

WHEREAS, on October 16, 2023, VMware filed a Motion to Dismiss (Dkt. No. 17);

WHEREAS, on November 6, 2023, Lionra filed an Amended Complaint (Dkt. No. 23) (the "Amended Complaint") alleging certain VMware products identified therein infringed U.S. Patent Nos. 7,302,708 ("the '708 Patent") and 7,623,518 ("the '518 Patent");

WHEREAS, on December 11, 2023, VMware filed a Motion to Dismiss (Dkt. No. 26);

WHEREAS, on December 12, 2023, VMware filed two petitions for *Inter Partes* Review in IPR2024-00301 and IPR2024-00302 challenging certain claims of the '708 Patent;

WHEREAS, on November 27, 2023, the Eastern District of Texas Court issued a Claim Construction Order in *Lionra Technologies Limited v. Cisco Systems, Inc.*, Case No. 2:22-cv-00305 construing certain terms of claims of the ’708 Patent;

WHEREAS, the parties seek to streamline the issues in dispute; and

NOW, THEREFORE, in consideration thereof and of the mutual agreements, provisions and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, the Parties HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. Count II of the Amended Complaint alleging infringement of the ’708 Patent against VMware is dismissed with prejudice;

2. Lionra, for and on behalf of itself, as well as any of its predecessors, successors, assigns, directors, officers, employees, and agents, hereby releases and unconditionally and irrevocably covenants to refrain from making any claim(s) or demand(s) against VMware or any of its parents, subsidiaries, divisions, and affiliates, as well as any of their predecessors, successors, assigns, directors, officers, employees, agents, and distributors (collectively, “the VMware Covenanted Parties”) based on any possible cause of action arising under the patent laws of the United States, relating to any claim of the ’708 Patent with respect to any product made, used, sold, offered for sale, or imported by the VMware Covenanted Parties, regardless of whether the products are made, used, offered for sale, or imported before, on, or after the date of this covenant. The covenant for the ’708 Patent extends through the life of the ’708 Patent plus the resulting 6-year statutory damages period set forth in 35 U.S.C. § 286. For avoidance of doubt, this covenant does not apply to the ’518 Patent or ’441 Patent.

3. VMware and Lionra will jointly request that the PTAB terminate IPR2024-00301

and IPR2024-00302 challenging the claims of the ’708 Patent;

4. Within 5 business days of the Court’s entry of this Stipulation, VMware will notify the Patent Trial and Appeal Board requesting permission to file joint motions to terminate IPR2024-00301 and IPR2024-00302;

5. Within 5 business days of receiving permission from the Patent Trial and Appeal Board, the parties shall execute and file joint motions to terminate IPR2024-00301 and IPR2024-00302;

6. This Stipulation only dismisses those claims relating to the ’708 Patent and does not dismiss any other claims of infringement based on the ’518 Patent, nor any other pending IPRs relating to the ’518 Patent;

7. This Stipulation is the sole and entire agreement between VMware and Lionra made in connection with, or in contemplation of, the termination of IPR2024-00301 and IPR2024-00302.

Dated: January17, 2024.

By: */s/ Brett Cooper*

Brett E. Cooper (NY SBN 4011011)
bcooper@bc-lawgroup.com
Seth Hasenour (TX SBN 24059910)
shasenour@bc-lawgroup.com
Jonathan Yim (TX SBN 24066317)
jyim@bc-lawgroup.com
Drew B. Hollander (NY SBN 5378096)
dhollander@bc-lawgroup.com

BC LAW GROUP, P.C.
200 Madison Avenue, 24th Floor
New York, NY 10016
Tel.: (212) 951-0100
Fax: (646) 293-2201

ATTORNEYS FOR PLAINTIFF LIONRA TECHNOLOGIES LTD

Respectfully submitted,

By: /s/ *Jaysen Chung*

Barry K. Shelton (TX SBN 24055029)
bshelton@winston.com
WINSTON & STRAWN LLP
2121 North Pearl Street, Suite 900
Dallas, TX 75201
Telephone: 214-453-6407
Facsimile: 214-453-6400

Benjamin Hershkowitz
bhershkowitz@gibsondunn.com
Brian A. Rosenthal
brosenthal@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, NY 10166-0193
Telephone: 212.351.4000
Facsimile: 212.351.4035

Jaysen S. Chung
jschung@gibsondunn.com
Katherine Worden
kworden@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center, Suite 2600
San Francisco, CA 94111-3715
Dallas, TX 75201-6912
Telephone: 415.393.8200
Facsimile: 415.393.8306

Nathaniel R. Scharn
nscharn@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
3161 Michelson Drive
Irvine, CA 92612-4412
Telephone: 949.451.3800
Facsimile: 949.451.4220

ATTORNEYS FOR DEFENDANT VMWARE LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service.

/s/ Brett Cooper
Brett Cooper

ATTACHMENT B

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LIONRA TECHNOLOGIES LTD., Plaintiff, v. VMWARE LLC., Defendant.	Case No. 1:23-cv-00929-DAE **JURY TRIAL DEMANDED**

ORDER GRANTING JOINT MOTION TO ADOPT AND ENTER STIPULATION AND DISMISSING CERTAIN CLAIMS BY LIONRA TECHNOLOGIES LIMITED AND VMWARE LLC

Before the Court is Plaintiff Lionra Technologies Limited's and Defendant VMware LLC's (collectively, the "Parties") Joint Motion to enter and adopt the Joint Stipulation regarding dismissal of certain claims and to dismiss certain claims from this action with prejudice.

Having duly considered the Parties' submission, the Court GRANTS the Motion. The Court enters and takes judicial notice of the Stipulation attached to the Joint Motion as Exhibit A.

IT IS ORDERED that "Count II – Claim for infringement of the '708 patent" is dismissed with prejudice.

No other claims relating to the other asserted patents are affected by this Order.

SIGNED this 18th day of January 2024.

THE HONORABLE DAVID A. EZRA
UNITED STATES DISTRICT JUDGE