

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINKEDIN CORP.,
Petitioner

v.

ALMONDNET, INC. and INTENT IQ, LLC,
Patent Owner

IPR2024-00709
U.S. Patent No. 10,715,878

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.71(a), Petitioner LinkedIn Corporation (“LinkedIn”) and Patent Owner AlmondNet, Inc. and Intent IQ, LLC (“AlmondNet”) (collectively, the “Parties”) jointly request termination of this *inter partes* review of U.S. Patent 10,715,878 (“the ’878 patent”). 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 ’878 patent has been resolved.

AlmondNet asserted the ’878 patent against LinkedIn in *AlmondNet, Inc. v. LinkedIn Corporation*, Case No. 1:23-cv-01373 (D. Del. filed December 1, 2023) (“the co-pending litigation”). The Parties have reached a confidential Settlement Agreement (Ex.1024) that resolves all disputes between the parties relating to the ’878 patent. Therefore, the Parties agree to terminate the *Inter Partes* Review proceedings in IPR2024-00709.

The Parties filed a Stipulation of Dismissal with Prejudice in the co-pending litigation to dismiss all claims with prejudice from the co-pending litigation. Ex.1025. Therefore, the Parties’ dispute with respect to the ’878 patent is fully resolved. The Settlement Agreement is the sole and entire agreement between LinkedIn and AlmondNet made in connection with, or in contemplation of, terminating this proceeding.

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.1024 represents a true and accurate copy of the Settlement Agreement between the Parties.

On June 4, 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 June 12, 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. LinkedIn filed its petition for *inter partes* review on March 20, 2024. AlmondNet 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: June 24, 2024

/Scott T. Jarratt/

Scott T. Jarratt
Counsel for Petitioner
Registration No. 70,297

/Reza Mirzaie/

Reza Mirzaie
Counsel for Patent Owner
Registration No. 69,138

PETITIONER’S UPDATED EXHIBIT LIST

June 24, 2024

Ex.1001	U.S. Patent No. 10,715,878 B2 to Roy Shkedi (filed December 20, 2018, issued July 14, 2020) (“878” or “878 patent”)
Ex.1002	Declaration of Christopher M. Schmandt (“Schmandt”)
Ex.1003	U.S. Patent Application Publication No. 2008/0113674 A1 to Mohammad Faisal Baig (filed October 31, 2007, published May 15, 2008) (“Baig”)
Ex.1004	U.S. Provisional Application No. 60/858,204 to Mohammad Baig (filed Nov. 10, 2006) (“Baig Provisional” or “Provisional”)
Ex.1005	Redline document showing differences between Baig (EX1003) and Baig Provisional (EX1004)
Ex.1006	U.S. Patent Application Publication No. 2004/0128547 A1 to Robert Laidlaw et al. (filed December 31, 2002, published July 1, 2004) (“Laidlaw”)
Ex.1007	U.S. Patent No. 6,427,170 B1 to Aravind Sitaraman et al. (filed December 8, 1998, issued July 30, 2002) (“Sitaraman”)
Ex.1008	Excerpts from Harley Hahn, <i>The Internet Complete Reference</i> (2d ed. 1996) (“Hahn”)
Ex.1009	U.S. Patent No. 7,730,030 B1 to Yongyong Xu (filed August 15, 2004, issued June 1, 2020) (“Xu”)
Ex.1010	U.S. Patent Application Publication No. 2006/0282328 A1 to Thomas Gerace et al. (filed June 12, 2006, published December 14, 2006) (“Gerace”)
Ex.1011	Excerpts from Robbin Zeff et al., <i>Advertising on the Internet</i> (2d ed. 1999) (“Zeff”)
Ex.1012	U.S. Patent Application Publication No. 2005/0175181 A1 to Magnus H. Bergs et al. (filed September 7, 2004, published August

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	11, 2005) (“Bergs”)
Ex.1013	Excerpts from <i>Microsoft Computer Dictionary</i> (5th ed. 2002)
Ex.1014	Declaration of Sylvia D. Hall-Ellis, Ph.D. (“Hall-Ellis”)
Ex.1015	[RESERVED]
Ex.1016	[RESERVED]
Ex.1017	[RESERVED]
Ex.1018	Prosecution history of the ’878 patent
Ex.1019	Institution Decision in <i>Meta Platforms, Inc. v. AlmondNet, Inc. et al.</i> , No. IPR2022-00773, Paper 6 (PTAB October 22, 2022)
Ex.1020	Complaint filed in <i>AlmondNet, Inc. v. LinkedIn Corporation</i> , Case No. 1:23-cv-01373 (D. Del. filed Dec. 1, 2023)
Ex.1021	Proof of Service of Complaint filed in <i>AlmondNet, Inc. v. LinkedIn Corporation</i> , Case No. 1:23-cv-01373 (D. Del.)
Ex.1022	Federal Court Statistics, <i>available at</i> https://www.uscourts.gov/file/78409/download
Ex.1023	Docket Sheet, <i>AlmondNet, Inc. v. LinkedIn Corporation</i> , Case No. 1:23-cv-01373
Ex.1024 (NEW)	Settlement Agreement
Ex.1025 (NEW)	Stipulation of Dismissal with Prejudice

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 June 24, 2024

Manner of service Electronic Service: rmirzaie@raklaw.com;
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Documents served **JOINT MOTION TO TERMINATE *INTER PARTES*
REVIEW
JOINT REQUEST TO KEEP SEPARATE
Ex.1024-25**

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