

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner

v.

WSOU INVESTMENTS D/B/A BRAZOS LICENSING AND

DEVELOPMENT,

Patent Owner

IPR2025-00241

U.S. Patent No. 8,441,721

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 WSOU Investments D/B/A Brazos Licensing and Development (“Brazos”) (collectively, the “Parties”) jointly request termination of this *inter partes* review of U.S. Patent 8,441,721. 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 ’721 Patent has been resolved. The Written Agreement (Ex.1016) represents the sole and entire agreement between Cisco and Brazos made in connection with, or in contemplation of, terminating this proceeding. Ex.1016, 3.

The Parties are concurrently filing a copy of the written agreement as Ex.1016 along with the joint stipulation for dismissal at the district court (Ex.1017) and the Court order responsive to that stipulation (Ex.1018). 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.1016 represents a true and accurate copy of the agreement between the parties that resolves the present proceeding.

On February 3, 2025, the Parties informed the Board of their written 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 4, 2025, 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 December 2, 2024. Brazos has not filed a preliminary response to the Petition, and the Board has not issued an institution decision. The parties have not submitted any further briefs in response to the petition. The parties have now 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 and final written decision.

Therefore, the Parties respectfully request termination of this *inter partes* review.

Respectfully submitted,

Date: February 17, 2025

/Theodore M. Foster/

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/Timothy Dewberry/

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PETITIONER’S UPDATED EXHIBIT LIST

February 17, 2025

Ex.1001	U.S. Patent No. 8,441,721 to White et al.
Ex.1002	Prosecution History of U.S. Patent No. 8,441,721.
Ex.1003	Declaration of Dr. Daniel Blumenthal under 37 C.F.R. § 1.68.
Ex.1004	<i>Curriculum Vitae</i> of Dr. Blumenthal.
Ex.1005	U.S. Patent Publication No. 2004/019615 to Sugaya et al. (“Sugaya”).
Ex.1006	U.S. Patent No. 6,069,719 to Mizrahi (“Mizrahi”).
Ex.1007	“Optical Pump Control of Broadband Raman Amplifiers via Linear Programming,” Roland W. Freund, Bell Labs Technical Memorandum, 2003 (“Freund”).
Ex.1008	“Optimal Design of Flat-Gain Wide-Band Fiber Raman Amplifiers,” Victor E. Perlin et al. Journal of Lightwave Technology, Vol. 20, No. 2, February 2002 (“Perlin”).
Ex.1009	“Flat-Gain Fiber Raman Amplifiers Using Equally Spaced Pumps,” Jonathan Hu et al. Journal of Lightwave Technology, Vol. 22, No. 6, June 2004 (“Hu”).
Ex.1010	“Linear Algebra and its Applications,” David C. Lay, 1997 (“Linear Algebra”).
Ex.1011	“McGraw Hill Dictionary of Scientific and Technical Terms, Fifth Edition,” 1994 (“Technical Dictionary”).
Ex.1012	U.S. Patent No. 6,907,051 to Farmer (“Farmer”).
Ex.1013	Complaint, <i>WSOU Investments, LLC v. Cisco Systems, Inc.</i> , No. 2-24-cv-00332 (E.D. Tex. May, 6, 2024).
Ex.1014	Docket Control Order - <i>WSOU Investments, LLC v. Cisco Systems,</i>

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	<i>Inc.</i> , No. 2-24-cv-00332 (E.D. Tex. May, 6, 2024).
Ex.1015	Federal Court Trial Statistics – September 30, 2024.
Ex.1016 (New)	Written Agreement
Ex.1017 (New)	Stipulated District Court Proposal
Ex.1018 (New)	Court Order for Dismissal

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 17, 2025

Manner of service Electronic Service: david.schumann@foliolaw.com and timothy.dewberry@foliolaw.com

Documents served **Joint Motion to Terminate *Inter Partes* Review; Ex.1016, Ex.1017, and Ex.1018.**

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