

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.
Petitioner,

v.

REALTIME ADAPTIVE STREAMING LLC
Patent Owner.

Case IPR2018-01384
Patent 8,934,535

JOINT MOTION TO TERMINATE *INTER PARTES* REVIEW

Patent Owner Realtime Adaptive Streaming LLC and Petitioner Cisco Systems, Inc. have reached a settlement. Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. §§ 42.72 and 42.74, the parties jointly request termination of the *inter partes* review of U.S. Patent No. 8,934,535 (“’535 Patent”), Case IPR2018-01384. The parties were authorized to file this Joint Motion by the Board (via email) on October 5, 2018.

As required under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the settlement agreement that resolves the disputes in the above-captioned *inter partes* review relating to the ’535 Patent is filed herewith as an exhibit. There are no other collateral agreements between the parties made in connection with, or in contemplation of, the termination sought.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), the parties are also concurrently filing a Joint Request to Keep Separate, which asks the Board to treat the settlement agreement exhibit as business confidential information, and to keep it separate from the files of this proceeding and the files of the ’535 Patent.

I. Statement of Precise Relief Requested

The parties jointly request that the Board terminate the *inter partes* review of the ’535 Patent, Case IPR2018-01384, with respect to both parties.

II. Reasons Why Termination Is Appropriate

Termination of this proceeding with respect to both parties is proper. This

inter partes review is in its early stage. The Petition was filed on July 12, 2018, and the Board has not yet instituted review on this Petition.

Under 35 U.S.C. § 317(a), “[a]n *inter partes* review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Because both parties request termination, and the Board has not yet decided the merits of the proceeding, the Board must terminate the proceeding with respect to Cisco.

When there are no petitioners remaining in the *inter partes* review, the Board may terminate the proceeding entirely. 35 U.S.C. § 317(a); 37 C.F.R. § 42.72. Cisco is the only petitioner in this *inter partes* review. Both parties support termination of this proceeding. With no petitioners remaining in the proceeding and no institution decision or final written decision on the merits, termination with respect to both parties is appropriate.

The litigation between the parties involving the ’535 Patent was dismissed on September 24, 2018. The parties do not contemplate any litigation or proceeding involving the ’535 Patent in the foreseeable future.

III. No Future Participation by Petitioner Cisco

Cisco will not be participating further in this proceeding.

IV. Conclusion

The parties have settled all disputes relating to the '535 Patent. This *inter partes* review is in its early stage, and the Board has not entered an institution decision or a final written decision on the merits in this proceeding. Accordingly, the parties respectfully request the Board to terminate this proceeding in its entirety.

Respectfully submitted,

Date: October 8, 2018

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on October 8, 2018, by filing this document through the Patent Trial and Appeal Board End to End system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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Date: October 8, 2018

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