

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NETAPP, INC.,  
Petitioner,

v.

PROVEN NETWORKS, LLC,  
Patent Owner.

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Case IPR2022-00644  
Patent No. 8,687,573

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**JOINT MOTION TO DISMISS *INTER PARTES* REVIEW**

## **I. STATEMENT OF THE PRECISE RELIEF REQUESTED**

Pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Petitioner NetApp, Inc., and Patent Owner Proven Networks, LLC, jointly move to dismiss this *inter partes* review (IPR). The Board authorized the filing of this Joint Motion in an email dated September 29, 2022.

## **II. STATEMENT OF REASONS FOR THE RELIEF REQUESTED**

The parties settled their underlying dispute and reached agreement to dismiss this IPR in a written agreement. A true copy of the agreement is submitted as Exhibit 1028 with this motion, in accordance with 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74(b). There are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the dismissal of the IPR.

The parties request that the agreement be treated as business confidential information, to be kept separate from the file of the involved patent, and to be made available only to Federal Government agencies on written request, or to any person on a showing of good cause pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

The '573 patent was involved in *Certain Networking Devices, Computers, and Components Thereof and Systems Containing the Same*, No. 337-TA-1298 (ITC Feb. 14, 2022), which has been terminated. It was also involved in *Proven Networks, LLC v. NetApp, Inc.*, No. 6:22-cv-0036 (W.D. Tex. Jan. 10, 2022), which has been

dismissed. There are no other litigation matters or proceedings between the parties involving the '573 Patent.

No other petitioners remain in this IPR. Thus, the parties respectfully submit that dismissal of the IPR is appropriate under 35 U.S.C. § 317 and 37 C.F.R. § 42.74(a).

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER L.L.P.

Dated: September 30, 2022

By: /Joshua L. Goldberg/  
Joshua L. Goldberg (Reg. No. 59,369)  
Counsel for Petitioner

Dated: September 30, 2022

By: /s/ Reza Mirzaie  
Reza Mirzaie (Reg. No. 69,138)  
Counsel for Patent Owner

**CERTIFICATE OF SERVICE**

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), true copies of this JOINT MOTION TO DISMISS *INTER PARTES* REVIEW and Exhibit 1028 are being served electronically on September 30, 2022 to the following lead and back-up counsel for Patent Owner at the following email addresses:

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