

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

JUNIPER NETWORKS, INC.
Petitioner

v.

IMPLICIT, LLC
Patent Owner

Case: IPR2020-00587
Patent No. 9,591,104

**PETITIONER AND PATENT OWNER'S JOINT MOTION TO
TERMINATE *INTER PARTES* REVIEW PROCEEDINGS
PURSUANT TO SECTION 317(A)**

Pursuant to the Board’s authorization on January 6, 2021, Petitioner Juniper Networks, Inc. and Patent Owner Implicit, LLC (collectively, “the Parties”) hereby jointly request termination of the following *Inter Partes* Review proceedings pursuant to the settlement between the Parties:

- *Juniper Networks, Inc. v. Implicit, LLC*, Case IPR2020-00585;
- *Juniper Networks, Inc. v. Implicit, LLC*, Case IPR2020-00586;
- *Juniper Networks, Inc. v. Implicit, LLC*, Case IPR2020-00587;
- *Juniper Networks, Inc. v. Implicit, LLC*, Case IPR2020-00590;
- *Juniper Networks, Inc. v. Implicit, LLC*, Case IPR2020-00591; and
- *Juniper Networks, Inc. v. Implicit, LLC*, Case IPR2020-00592.

This motion has been filed under separate caption in each proceeding.

I. TERMINATION OF REVIEW IS APPROPRIATE

The Parties jointly request termination of these *Inter Partes* Review proceedings pursuant to the settlement between the Parties. Section 317(a) authorizes, upon settlement, termination of proceedings with respect to a petitioner unless the Patent Office has “decided the merits of the proceeding before the request for termination is filed.” 35 U.S.C. § 317(a); *see also* 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final written decision, where appropriate, including . . . pursuant to a joint request under 35 U.S.C. 317(a)”).

The parties settled their disputes regarding the Implicit Patents¹ in principle in October, 2020 and filed the stipulation of dismissal on January 4, 2021 in the parallel litigation. See Docket No. 54, Stipulation of Dismissal, *Implicit, LLC v. Juniper Networks, Inc.*, No. 2:19-CV-00037-JRG-RSP (E.D. Tex. Jan. 4, 2021); Paper 21 (Patent Owner’s Response). On January 15, 2021, the parallel litigation was dismissed. See Docket No. 55, Order, *Implicit, LLC v. Juniper Networks, Inc.*, No. 2:19-CV-00037-JRG-RSP (E.D. Tex. Jan. 15, 2021). The Parties’ written agreement is submitted with this Joint Motion.

The Parties submit that termination is appropriate because briefing in these proceedings has not been completed and the Board here has not issued a final written decision. Under the schedule, the Reply briefs are due on January 25, 2021, and the Sur-Reply briefs are due on March 8, 2021. Paper 17, at 8. The oral hearings (if requested) are scheduled for May 17, 2021. *Id.* The one-year deadline under Section 316 to issue Final Written Decisions is August 10, 2021. See *id.* Board decisions instruct that termination of proceedings is appropriate because the Board has not issued a final written decision at this stage. See, e.g., *Kokusa Electric Corp. v. ASM IP Holding B.V.*, IPR2018-01151 (Paper 38), at 3–4 (P.T.A.B. Aug. 20, 2019) (finding that a decision on merits had not been reached where, even though briefing

¹ The Implicit Patents here are U.S. Patent Nos. 8,694,683 (“the ’683 Patent”); 9,270,790 (“the ’790 Patent”); 9,591,104 (“the ’104 Patent”); 10,027,780 (“the ’780 Patent”); 10,033,839; (“the ’839 Patent”) and 10,225,378 (“the ’378 Patent”).

had completed and the hearing was a week away) (informative).

The Parties request termination of the review of the Implicit Patents. Given the early stages of this proceeding, the Parties submit it is appropriate to terminate review under Section 317(a) and not proceed to a final written decision. Other than the above-identified IPRs, the Parties are aware of no related proceedings pending before the Office.

II. AGREEMENT SUBMITTED TO THE BOARD

Pursuant to the Board's January 6, 2021 authorization, the Parties submit a true and correct copy of the written settlement agreement in connection with this matter as an Exhibit to this Motion under 37 C.F.R. § 42.74(b). Pursuant to the Board's authorization, the Parties request that the agreement be treated as business confidential information and be kept separate from the files of the Implicit Patents, pursuant to 37 C.F.R. 42.74(c). The Parties certify that there are no other agreements or understandings between Petitioner and Patent Owner made in connection with, or in contemplation of, the termination of the above-identified IPRs.

III. CONCLUSION

For the reasons stated above, the Parties respectfully request that the Board terminate *Inter Partes* Review proceedings IPR2020-00585; IPR2020-00586; IPR2020-00587; IPR2020-00590; IPR2020-00591; and IPR2020-00592.

Dated: January 15, 2021

Respectfully submitted,

DAVIS FIRM, PC

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