

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON WEB SERVICES, INC., and
AMAZON.COM SERVICES LLC,
Petitioner

v.

ALMONDNET, INC.,
Patent Owner

Inter Partes Review Case No. IPR2025-00545
U.S. Patent No. 8,494,904

**JOINT MOTION TO TERMINATE
INTER PARTES REVIEW PROCEEDINGS**

EXHIBIT LIST (37 C.F.R. § 42.63(E))

EX No.	Description
1001	U.S. Patent No. 8,494,904 (“the ’904 patent”)
1002	Declaration of Henry Houh, Ph.D.
1003	Prosecution File History for the ’904 patent
1004	U.S. Patent No. 5,948,061 (“Merriman061”)
1005	U.S. Patent No. 6,415,322 (“Jaye”)
1006	U.S. Patent No. 6,073,241 (“Rosenberg”)
1007	U.S. Patent No. 8,566,154 (“Merriman154”)
1008	Zeff, R., et al., <i>Advertising on the Internet</i> , John Wiley & Sons, Inc., 1997 (“Zeff”)
1009	Mena, J., <i>Data Mining Your Website</i> , Digital Press, 1999 (“Mena”)
1010	Fielding, R., Gettys, J., Mogul, J., Frystyk, H., Masinter, L., Leach, P., and Berners-Lee, T., “Hypertext Transfer Protocol -- HTTP/1.1,” RFC 2616, June 1999 (available at: https://web.archive.org/web/20000815084854/http://www.w3.org/Protocols/rfc2616/rfc2616.txt , Internet Archive capture August 15, 2000) (“RFC 2616”)
1011	Berners-Lee, T. and Connolly, D., “Hypertext Markup Language - 2.0,” RFC 1866, November 1995 (available at: https://web.archive.org/web/20001118042500/https://www.ietf.org/rfc/rfc1866.txt , Internet Archive capture August 16, 2000) (“RFC 1866”)
1012	Claim Construction Order and Memorandum in Support Thereof, <i>AlmondNet, Inc. et al. v. Amazon.com, Inc., et al.</i> , 6:21-cv-00898 (W.D. Tex. June 19, 2023), Dkt. 113
1013	Complaint for Patent Infringement, <i>AlmondNet, Inc. et al. v. Amazon.com Inc. et al.</i> , 6:24-cv-00234 (W.D. Tex. May 3, 2024), Dkt. 1

EX No.	Description
1014	Final Written Decision, <i>Meta Platforms, Inv. V. AlmondNet, Inc.</i> , IPR2022-01436 (Paper 30)
1015	Story, L. and Helft, M., “Google Buys DoubleClick for \$3.1 Billion,” <i>New York Times</i> , Apr. 14, 2007, https://www.nytimes.com/2007/04/14/technology/14DoubleClick.html , accessed Nov. 26, 2024
1016	Kristol, D. and Montulli, L., “HTTP State Management Mechanism,” RFC 2109, February 1997 (available at: https://web.archive.org/web/20000914191404/https://www.rfc-editor.org/rfc/rfc2109.txt , Internet Archive capture September 14, 2000) (RFC 2109)
1017	Assignment Abstract of Title for Merriman154
1018	Curriculum Vitae of Henry Houh, Ph.D.
1019	U.S. Patent Publication No. 2002/0026351 (“Coleman”)
1020	Scheduling Order, <i>AlmondNet, Inc. et al. v. Amazon.com, Inc., et al.</i> , No. 6:24-cv-00234-RP (W.D. Tex. Feb. 26, 2025), Dkt. 45
1021	Exhibit B to Plaintiffs AlmondNet, Inc. and Datonics LLC’s Disclosure of Preliminary Infringement Contentions as to Defendants, <i>AlmondNet, Inc., et al. v. Amazon.com, Inc., et al.</i> , No. 6:24-cv-00234-RP (W.D. Tex.), served March 7, 2025
1022	Settlement and License Agreement (Confidential)

Petitioners Amazon.com Inc., Amazon Web Services, Inc. and Amazon.com Services LLC (collectively, “Amazon”) and Patent Owner AlmondNet, Inc. (“AlmondNet”) have reached a settlement. Under 35 U.S.C. § 317(a) and 37 C.F.R. § 42.74, Amazon and AlmondNet jointly move to terminate this *inter partes* review proceeding and request that the settlement agreement be treated as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). The Board authorized by email on April 16, 2026 the parties to file this Joint Motion.

I. STATEMENT OF FACTS

On May 3, 2024, AlmondNet asserted the 904 Patent against Amazon in the Western District of Texas. *AlmondNet, Inc. v. Amazon.com, Inc.*, No. 6:24-cv-00234 (W.D. Tex., May 3, 2024) (the “Litigation”). In response, Amazon filed the instant petition for *inter partes* review challenging claims 1, 3–11, 13–21, and 23–30 of the 904 Patent. *Amazon.com Inc. v. AlmondNet, Inc.*, IPR2025-00545, Paper 2 (P.T.A.B. Mar. 3, 2025). Amazon and AlmondNet (the “Settling Parties”) have since reached an agreement (the “Settlement Agreement”) to resolve their disputes. The Settling Parties moved to dismiss the Litigation on April 3, 2026, and the Court dismissed it on April 6, 2026. *AlmondNet, Inc. v. Amazon.com, Inc.*, No. 6:24-cv-00234, Dkt. 57 (W.D. Tex., Apr. 6, 2026).

Under 37 C.F.R. § 42.74(b), the Settlement Agreement is in writing. A true and correct copy is being filed as Confidential Exhibit 1022. The Settlement

Agreement is being filed electronically with access to “Board and Parties Only.” A “*Joint Request to File Settlement Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74*” is being filed concurrently with this Joint Motion to Terminate to treat the Settlement Agreement as business confidential information and keep it separate from the files of the involved patent under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). These agreements contain confidential commercial and financial information of the Settling Parties.

Additionally, the parties have simultaneously filed a similar joint motion to terminate in *Inter Partes* Review No. IPR2025-00873 of U.S. Patent No. 10,984,445.

There is only one other pending proceeding involving the 904 patent. AlmondNet, Datonics, LLC, and Intent IQ, LLC asserted four patents, including the 904 patent against LiveIntent, Inc. in the District of Delaware. *See AlmondNet, Inc. v. LiveIntent, Inc.*, No. 1:24-cv-00831 (D. Del.). That case is scheduled for trial on October 4, 2027. *Id.*, Dkt. 56 (Aug. 25, 2025).

II. ARGUMENT

A joint motion to terminate generally “must (1) include a brief explanation as to why termination is appropriate; (2) identify all parties in any related litigation involving the patents at issue; (3) identify any related proceedings currently before the Office; and (4) discuss specifically the current status of each such related litigation or proceeding with respect to each party to the litigation or proceeding.”

Heartland Tanning, Inc. v. Sunless, Inc., IPR2014-00018, Paper 26, at *2 (July 28, 2014). Above, the parties have identified all parties in any related litigation involving the patent at issue, identified the related proceeding before the Office involving the parties, and discussed the status of all litigation and proceedings.

The Settling Parties request termination of this *inter partes* review and respectfully submit that such termination is justified. “There are strong public policy reasons to favor settlement between the parties to a proceeding.” Consolidated Trial Practice Guide 86 (Nov. 2019). “The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the proceeding.” *Id.* (citing 35 U.S.C. § 317(a)). The Board should terminate this proceeding, as the Settling Parties jointly request, for the following reasons.

First, Amazon and AlmondNet have met the statutory requirement that they file a “joint request” to terminate before the Office “has decided the merits of the proceeding.” 35 U.S.C. § 317(a). Briefing is not yet complete and there has not yet been an oral argument. Under section 317(a), an *inter partes* review shall be terminated upon such joint request “unless the Office has decided the merits of the proceeding before the request for termination is filed.” There are no other preconditions recited in 35 U.S.C. § 317(a).

Second, Amazon and AlmondNet have reached a settlement as to all the disputes in this proceeding. A true copy of the Settlement Agreement is being filed

concurrently herewith. *See* Confidential Exhibit 1022. This agreement contains confidential commercial and financial information of the Settling Parties. Amazon and AlmondNet request that the Settlement Agreement be treated as business confidential information and be kept separate from the files of this proceeding in accordance with 37 C.F.R. § 42.74(c). The parties hereby represent that the document filed as Confidential Exhibit 1022 represents all agreements made in connection with, or in contemplation of, the termination of this proceeding. All such agreements have been filed with the Board as required by 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b).

Third, termination would save significant further expenditure of resources by the Settling Parties. Termination upon settlement, as requested, would also further the purpose of inter partes review proceedings, which seek to provide an efficient and less costly alternative forum for patent disputes. Further, maintaining the proceeding would discourage further settlements, as patent owners in similar situations would have a strong disincentive to settle if they perceived that an inter partes review would continue regardless of a settlement. Additionally, the pending litigation between AlmondNet and LiveIntent may still address the validity of the 904 patent.

CERTIFICATION OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. § 42.6, the undersigned hereby certifies that a true and correct copy of the foregoing **Joint Motion to Terminate *Inter Partes Review Proceedings*** was served on Patent Owner's lead and back-up counsel in its entirety by electronic service at the following email addresses:

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Dated: April 16, 2026

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