

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

TOPIA TECHNOLOGY, INC.,
Patent Owner.

IPR2022-00782
Patent 10,067,942 B2

Before MINN CHUNG, JOHN A. HUDALLA, and JOHN R. KENNY,
Administrative Patent Judges.

KENNY, *Administrative Patent Judge.*

TERMINATION
Dismissal After Institution of Trial
37 C.F.R. § 42.72

I. INTRODUCTION

Unified Patents, LLC (“Petitioner”) and Topia Technology, Inc. (“Patent Owner”) filed a Joint Motion to Terminate This Proceeding. Paper 29 (“Mot.”). The parties state that they “conferred on March 27, 2023, and agreed to this motion.” Mot. 2.

II. DISCUSSION

Our rules provide that “[t]he Board may terminate a trial without rendering a final written decision, where appropriate.” 37 C.F.R. § 42.72; *see also Nevakar, Inc. v. Cipla Ltd.*, IPR2019-01446, Paper 15 at 2 (PTAB April 20, 2020) (granting a joint motion to terminate, “[n]otwithstanding that the proceeding has moved beyond the preliminary stage,” because the parties showed that “good cause exists to terminate the proceeding.”).

Petitioner and Patent Owner argue that there is good cause to terminate this proceeding for the following reasons:

(1) “the entirety of the briefing has not been completed in this proceeding” and “[t]he preservation of resources would be real and substantial for the Board and the parties,” Mot. 2;

(2) “Unified has recently sought to reallocate its resources in light of budget constraints and does not wish to expend further resources on this matter,” Mot. 2; *see also* Mot. 2–3 (“Unified seeks to reallocate its budgets and resources and . . . does not wish to spend additional resources on this proceeding.”);

(3) “Patent Owner would not be prejudiced by dismissal and the Board’s subsequent termination of this matter,” Mot. 3; and

(4) “[t]ermination will achieve a just, speedy, and inexpensive resolution of the dispute . . . [and w]ithdrawal is also in the interest of

justice, as the parties have no other dispute, and termination will resolve matters.” Mot. 2.

Petitioner and Patent Owner “confirm that, beyond conferring with [one another] regarding [their respective] position[s] on this motion, there are no agreements between the parties, written or otherwise.” Mot. 3.

For the reasons above, we agree with Petitioner and Patent Owner that good cause exists and that it is appropriate to terminate the proceeding, without rendering a final written decision. *See Nevakar*, Paper 15 at 2 (determining that dismissal was appropriate where the parties represented that “their resources would best be reserved by terminating the proceeding” and no agreement was filed with joint motion to terminate.). Thus, we exercise our discretion and dismiss this petition under 37 C.F.R. § 42.72 and terminate the proceeding without rendering a final written decision.

III. ORDER

Accordingly, it is

ORDERED that the parties’ Joint Motion to Terminate This Proceeding (Paper 29) is *granted*; and

FURTHER ORDERED that this trial is terminated under 37 C.F.R. § 42.72, and no final written decision will be rendered in this proceeding.

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