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Paper 16
Entered: March 20, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

CONTENTGUARD HOLDINGS, INC.,
Patent Owner.

Case CBM2015-00041
Patent 8,583,556 B2

Before JAMESON LEE, JENNIFER S. BISK, and BARBARA A. PARVIS, *Administrative Patent Judges.*

LEE, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.72

On March 9, 2014, the parties filed a Joint Motion to Terminate this covered business method patent review with respect to both Petitioner ("Apple") and Patent Owner ("ContentGuard"). Paper 15. A written agreement to terminate this proceeding was filed, on March 9, 2015, as Exhibit 1027.

Section 18(a) of the Leahy-Smith America Invents Act, Pub. L. No. 112-29, 125 Stat. 284, 329 (2011), provides that a covered business method patent review "shall be regarded as, and shall employ the standards and procedures of, a post-grant review" with certain exceptions. The exceptions do not include 35 U.S.C. § 327(a).

Under 35 U.S.C. § 327(a), "[a] post-grant 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." Also under 35 U.S.C. § 327(a), "[i]f no petitioner remains in the post-grant review, the Office may terminate the post-grant review or proceed to a final written decision under section 328(a)."

This proceeding is in its preliminary stage. Apple's Petition was filed on December 12, 2014. ContentGuard has not yet filed a Preliminary Response, the due date of which has not passed. The Board has not yet instituted trial on any challenged claim. Although no review has been instituted, Apple, the sole Petitioner here, has indicated its desire to withdraw from the proceeding, which would leave no entity acting as Petitioner.

We determine that, on these circumstances, it is appropriate to terminate the proceeding both as to Apple and ContentGuard without rendering a Final Written Decision *See* 35 U.S.C. § 327(a); 37 C.F.R. § 42.72.

It is

ORDERED that the Joint Motion to Terminate CBM2015-00041 is *granted*, and this proceeding is hereby terminated as to all parties including Apple as Petitioner and ContentGuard as Patent Owner.

CBM2015-00041
Patent 8,583,556 B2

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