Trials@uspto.gov
Tel: 571-272-7822

Paper 9
Entered: February 1, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

ALFONSO CIOFFI, MEGAN ELIZABETH ROZMAN,
MELANIE ANN ROZMAN, and MORGAN LEE ROZMAN,
Patent Owner.

Case CBM2017-00012
Patent RE43,103

Before JAMESON LEE, JENNIFER S. BISK, and KERRY BEGLEY, *Administrative Patent Judges.*

LEE, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceeding
37 C.F.R. §§ 42.71, 42.72

On January 3, 2017, the Board authorized the parties to file a Joint Motion to Dismiss Petition, and reminded the parties that 37 C.F.R. § 42.74(b) applies to termination of proceedings including a preliminary proceeding. Ex. 3002. The Board stated that "[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of proceeding shall be in writing and a true copy shall be filed together with the Joint Motion to Dismiss." *Id.*

On January 20, 2017, the parties filed a paper titled "Joint Motion to Dismiss Petition Pursuant to 35 U.S.C. § 317." Paper 6. No agreement of any kind was filed together with the Joint Motion to Dismiss. On January 30, 2017, the parties filed a paper notifying the Board that "[t]here is no settlement agreement or understanding between the parties with regard to this CBM proceeding." Paper 8, 2.

This proceeding is in its preliminary stage. The Petition was filed on November 4, 2016. Patent Owner 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. The parties indicate that they have "dismissed all claims and counterclaims based on the '103 Reissue [patent in this proceeding] in the related litigation, though the related litigation has not settled and remains pending." Paper 6, 2. The parties jointly request termination of the proceeding and dismissal of the Petition. *Id.*

We determine that, on these circumstances, it is appropriate to terminate the proceeding both as to Petitioner and Patent Owner, and to dismiss the Petition. *See* 37 C.F.R. §§ 42.71, 42.72.

It is

ORDERED that the Joint Motion to Dismiss Petition is *granted*, and the Petition is *dismissed*; and

FURTHER ORDERED that this proceeding is hereby terminated as to both Petitioner and Patent Owner.

Counsel for Petitioner:

James Day
Daniel Callaway
FARELLA BRAUN + MARTEL LLP
jday@fbm.com
dcallaway@fbm.com

Patent Owner:

Glenn Boisbrun
David Hofman
Adam C. Davenport
BOISBRUN HOFMAN, PLLC
ghoisbrun@bh-ip.com
dhofman@bh-ip.com
adavenport@bh-ip.com