

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA),
Petitioner,

v.

VRINGO INFRASTRUCTURE INC.,
Patent Owner.

Cases

IPR2015-00701 (Patent 7,724,720)
IPR2015-00703 (Patent 7,126,940)
IPR2015-00704 (Patent 6,081,534)
IPR2015-00705 (Patent 7,558,283)
IPR2015-00706 (Patent 5,689,252)¹

Before TREVOR M. JEFFERSON, PATRICK R. SCANLON, and
CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

DECISION

Motion to Dismiss

37 C.F.R. §§ 42.5(a), 42.71(a)

¹ This Decision addresses issues pertaining to all five cases. Thus, we exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading in subsequent papers.

IPR2015-00701, IPR2015-00703, IPR2015-00704, IPR2015-00705,
IPR2015-00706

In each of the instant proceedings, Petitioner filed a Motion to Dismiss on June 5, 2015. Paper 11.² The Board authorized the filing of these Motions in an Order mailed June 2, 2015. Paper 10.³

Petitioner requests, in each proceeding, dismissal of the pending petition and termination of the proceeding. Paper 11, 2. Petitioner requests such dismissal and termination as a result of our decision to expunge previously filed Corrected Petitions that were not properly filed. *Id.* at 2–3; *see also* Paper 10, 3 (noting Petitioner’s desire, expressed during a May 21, 2015 conference call with the parties, to file new petitions if the Corrected Petitions were not entered).

Each of these proceedings is still in a preliminary stage. Patent Owner has not filed a preliminary response, and we have not considered the merits of the Petitions. Furthermore, Patent Owner indicated during the May 21, 2015 conference call that it would not object to Petitioner moving to terminate the instant proceedings. Paper 10, 3. Under these circumstances, we determine that it is appropriate to dismiss the petitions. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner’s Motion to Dismiss in each of the instant proceedings is *granted*;

² The paper number for the Motion to Dismiss is the same in all five proceedings.

³ The paper number for the Order is the same in all five proceedings.

IPR2015-00701, IPR2015-00703, IPR2015-00704, IPR2015-00705,
IPR2015-00706

FURTHER ORDERED that the Petition in each of the instant proceedings is *dismissed*; and

FURTHER ORDERED that each of the instant proceedings is *terminated*.

IPR2015-00701, IPR2015-00703, IPR2015-00704, IPR2015-00705,
IPR2015-00706

PETITIONER:

Steve A. Moore
Richard W. Thill
PILLSBURY WINTHROP SHAW PITTMAN LLP
steve.moore@pillsburylaw.com
richard.thill@pillsburylaw.com

PATENT OWNER:

Ian R. Blum
Brandon N. Sklar
COZWN O'CONNOR
iblum@cozen.com
bsklar@cozen.com

Tarek N. Fahmi
Amy J. Embert
ASCENDA LAW GROUP, PC
tarek.fahmi@ascendalaw.com
amy.embert@ascendalaw.com