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Paper 22
Entered: April 7, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Cases IPR2015-01322
Patent 6,314,409 B2

Before KRISTEN L. DROESCH, BARBARA A. PARVIS, and MATTHEW R. CLEMENTS, *Administrative Patent Judges.*

DROESCH, *Administrative Patent Judge.*

ORDER
Termination of *Inter Partes* Review
37 C.F.R. § 42.72

BACKGROUND

International Business Machines Corporation ("Petitioner") filed a Petition (Paper 2) for *inter partes* review of claims 1–11 and 13–20 ("the challenged claims") of U.S. Patent No. 6,314,409 B2 (Ex. 1005, "the '409 Patent"). On December 8, 2015, we instituted trial for all of the challenged claims of the '409 Patent. Paper 12. Subsequently, in a separate proceeding involving the '409 patent, we issued a Final Written Decision pursuant to 35 U.S.C. § 328(a) determining claims 1–11, 13–21, 24–27, 29, 30, 32, 33, and 36–39 to be unpatentable. *J.P. Morgan Chase & Co v. Intellectual Ventures II*, Case CBM2014-00157 (PTAB January 12, 2016), Paper 40. Patent Owner indicates that the time period has lapsed for appeal of the Final Written Decision in *J.P Morgan Chase & Co v. Intellectual Ventures II*, Case CBM2014-00157 to the Court of Appeals for the Federal Circuit. *See* Paper 20, 1; Ex. 3001, 7:18–8:5. Therefore, all of the challenged claims in this *inter partes* review are unpatentable.

Patent Owner did not file a Patent Owner Response in this trial. We issued an Order to show cause why *inter partes* review should not be terminated as moot. Paper 19. Patent Owner and Petitioner both respond that *inter partes* review should be terminated. Papers 20, 21.

The particular facts before us indicate that it is appropriate to terminate this *inter partes* review. *See* 37 C.F.R. § 42.72. Claims 1–11 and 13–20 of the '409 Patent have already been determined unpatentable, and any decision we might reach in this proceeding regarding the patentability of these claims would be moot and purely advisory. Furthermore, rendering a Final Written Decision would not promote securing the just, speedy, and inexpensive resolution of every proceeding. *See* 37 C.F.R. § 42.1(b).

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that this *inter partes* review is terminated as moot.

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