

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENBAND US LLC and
GENBAND MANAGEMENT SERVICES CORP.,
Petitioner,

v.

METASWITCH NETWORKS LTD.,
Patent Owner.

Case IPR2016-00560
Patent 8,687,640 B2

Before JAMESON LEE, JOSIAH C. COCKS, and
ROBERT L. KINDER, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER
Granting Joint Motion to Terminate *Inter Partes* Review
37 C.F.R. § 42.71(a)

On February 25, 2016, the parties filed a Joint Motion to Terminate *Inter Partes* Review (“Motion”). Paper 8. The Motion states: “Because the only claim challenged in the petition is now subject to trial in IPR2015-01457, Petitioner and Patent Owner jointly move to terminate this proceeding. Terminating this IPR will preserve the Board’s and parties’ resources and achieve a just, speedy, and inexpensive resolution to this dispute.” *Id.* at 1. The Motion also states:

During a conference call with the Board and counsel for Patent owner on February 22, 2016, Petitioner informed Patent Owner that, in light of the Board’s decision to grant its request for rehearing in IPR2015-01457, petitioner intended to withdraw this petition. The parties have agreed to file this motion to terminate this proceeding.

Id. at 2–3. Although the Motion is styled as a Joint Motion to Terminate *Inter Partes* Review, the Motion also requests dismissal of the Petition. Specifically, the Motion concludes with this request: “The Board should dismiss the petition and terminate IPR2016-00560.” *Id.* at 5.

This proceeding is at a preliminary stage. Patent Owner has not yet filed a preliminary response, and no trial has yet been instituted on any claim. No decision on whether to institute *inter partes* review has been made. Under these circumstances, we determine that it is appropriate to dismiss the Petition under 37 C.F.R. § 42.71(a) based on the parties’ Joint Motion to Terminate *Inter Partes* Review.

Accordingly, it is

ORDERED that the Joint Motion to Terminate *Inter Partes* Review is *granted*; and

FURTHER ORDERED that the Petition is dismissed under 37 C.F.R. § 42.71(a), and this proceeding is terminated.

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