

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.
Petitioner

v.

NICHIA CORPORATION,
Patent Owner

Case IPR2018-01100
Patent 7,915,631 B2

Before BRIAN J. McNAMARA, STACEY G. WHITE and
NABEEL U. KHAN, *Administrative Patent Judges*

KHAN, *Administrative Patent Judge.*

DECISION
Granting Joint Motion to Dismiss
37 C.F.R. § 42.71(a)

On June 29, 2018 the parties filed a Joint Motion to Dismiss Proceeding under 37 C.F.R. §§ 42.71(a) and 42.74. Paper 9. The parties inform the Board that a claim term in claim 1, the sole independent claim of U.S. Patent No. 7,915,631, has been found indefinite in federal district court litigation and in light of that development, they would like to terminate these proceedings to conserve both the Board's and the parties' resources. Paper 9, 2. The parties also represent "there are no collateral agreements or understandings made in connection with, or in contemplation of, the parties' joint request to dismiss the proceeding." Paper 9, 2.

This proceeding is in its preliminary stages and the Board has not yet rendered a decision whether to institute a trial. At this early stage of the proceeding the Board determines it is appropriate to dismiss the Petition. *See* 37 C.F.R. § 42.71(a) (authorizing the Board to dismiss a petition).

The Board further notes that Petitioner's Motion for Joinder and Request for Shortened Response Time for Patent Owner's Preliminary Response ("Motion for Joinder") (Paper 3) is currently pending. In light of the Board's decision to grant the parties' Joint Motion to Dismiss, Petitioner's Motion for Joinder is moot.

Accordingly, it is

ORDERED that the Joint Motion to Dismiss Proceeding is GRANTED and the Petition is hereby *dismissed*.

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