

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NUNA BABY ESSENTIALS, INC.,
Petitioner,

v.

BRITAX CHILD SAFETY, INC.,
Patent Owner.

Case IPR2018-01683
Patent 9,586,504 B2

Before SCOTT A. DANIELS, BART A. GERSTENBLITH, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

DECISION

Dismissing the Petition and Terminating the Proceeding
37 C.F.R. § 42.71(a)

On September 10, 2018, Nuna Baby Essentials, Inc. (Petitioner) filed a Petition to institute an *inter partes* review of U.S. Patent No. 9,586,504 B2 (Paper 3). No exhibits to the Petition were filed. Petitioner filed a Motion to Excuse Late Filing to Correct a Clerical Mistake (Paper 8), which we denied for the reasons explained in our Decision denying Petitioner's motion (Paper 11). Petitioner's Unopposed Motion to Dismiss Petition is now before us. Paper 13. Petitioner requests that the Petition be dismissed and the proceeding terminated in view of the missing exhibits and in order "to preserve both the Board's and the parties' resources." Paper 13, 2. Petitioner states that "Patent Owner does not oppose this motion." *Id.*

37 C.F.R. § 42.71(a) states that "[t]he Board may take up petitions . . . in any order, [and] may . . . dismiss any petition." Under the circumstances presented here, we agree that terminating the proceeding at this stage preserves the resources of all involved. Accordingly, we grant Petitioner's request to dismiss the Petition and terminate this proceeding.

ORDER

Accordingly, it is:

ORDERED that Petitioner's Unopposed Motion to Dismiss (Paper 13) is *granted*;

FURTHER ORDERED that the Petition is *dismissed*; and

FURTHER ORDERED that this proceeding is *terminated*.

IPR2018-01683
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