

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

EPIC IP LLC,
Patent Owner.

Case IPR2019-00339
Patent 6,434,599 B1

Before RAMA G. ELLURU, TERRENCE W. McMILLIN, and
STACY B. MARGOLIES, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Unopposed Motion to Dismiss Petition and Terminate
Proceeding
37 C.F.R. § 42.71(a)

I. INTRODUCTION

On May 13, 2019, Unified Patents, Inc. (“Petitioner”) filed a Motion to Dismiss its Petition and terminate the above-referenced proceeding (“Motion”). Paper 6, 1. As indicated in the Motion, the Board authorized the filing of the Motion on May 8, 2019. *Id.* Petitioner further represents that Patent Owner does not oppose the Motion. *Id.*

II. DISCUSSION

On November 16, 2018, Petitioner filed a petition challenging claims 1–4 and 19 of U.S. Patent No. 6,434,599 (“the ’599 patent”). Paper 1, 3. On November 26, 2018, the U.S. District Court of Delaware held that claims 1–4 and 19 of the ’599 patent are not patent-eligible. *See Epic IP LLC v. Backblaze, Inc.*, 351 F. Supp. 3d 733, 752 (D. Del. 2018). In the Motion, Petitioner represents that Epic IP LLC (“Patent Owner”) has confirmed that all challenged claims have been held invalid, Patent Owner is not pursuing any appeals, and all potential appeals have been exhausted. Paper 6, 3. Because the District of Delaware decision is now final and this proceeding is in its preliminary stage, Petitioner requests that we dismiss the petition and terminate the proceeding. *Id.* at 3–4.

This proceeding is at an early stage, and we have not yet decided whether to institute a trial. In view of the final decision by the District Court holding that the challenged claims are not patent-eligible, we determine that good cause exists to dismiss the Petition and terminate this proceeding.

III. ORDER

Accordingly, for the reasons discussed above, it is
ORDERED that Petitioner’s Motion (Paper 6) is *granted*;

FURTHER ORDERED that the proceeding is terminated.

PETITIONER:

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