

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

Case IPR2019-00403
Patent 9,467,838 B2

Before DANIEL J. GALLIGAN, CHRISTA P. ZADO, and
FREDERICK C. LANEY, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

ORDER

Dismissing the Petition and Motion for Joinder
and Terminating the Proceeding
37 C.F.R. §§ 42.71(a), 42.74

I. INTRODUCTION

Petitioner Google LLC requested Board authorization to file a motion to withdraw the Petition, Paper 3 (“Petition”), and Motion for Joinder, Paper 2 (“Motion for Joinder”), stating that Patent Owner AGIS Software Development LLC “has indicated that it will not oppose Google’s motion.” Ex. 3001. The Board subsequently authorized Petitioner to file an unopposed motion to dismiss the Petition and Motion for Joinder pursuant to 37 C.F.R. §§ 42.71, 42.74. *Id.* Based on Petitioner’s representation that the motion would be unopposed, the Board ordered that any opposition would be due no later than 5 days after filing of the motion to dismiss. *Id.* (citing 37 C.F.R. § 42.5(c)). Thereafter, Petitioner filed an Unopposed Motion to Withdraw Petition for *Inter Partes* Review and Motion for Joinder. Paper 8 (“Motion to Withdraw”). Patent Owner has not opposed the Motion to Withdraw.

II. DISCUSSION

Although the Motion to Withdraw states that Petitioner moves to withdraw the Petition and Motion for Joinder, “resulting in dismissal of the pending petition without rendering a final written decision,” Paper 8, 1, the Board did not authorize a motion for withdrawal. Rather, the Board authorized a motion to dismiss the Petition and Motion for Joinder pursuant to 37 C.F.R. §§ 42.71, 42.74. Ex. 3001. As such, we treat Petitioner’s request as seeking dismissal of the Petition and Motion for Joinder, rather than withdrawal, to thereby terminate the proceeding. As we noted above, Patent Owner has not opposed Petitioner’s Motion to Withdraw, and therefore, has not opposed termination of the proceeding.

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This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition and Motion for Joinder are dismissed and this proceeding is terminated as to all parties.

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