

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AU OPTRONICS CORPORATION AND AU OPTRONICS  
CORPORATION AMERICA,  
Petitioner,

v.

VISTA PEAK VENTURES, LLC,  
Patent Owner.

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Case IPR2019-00504  
Patent 7,499,119 B2

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Before DEBRA K. STEPHENS, JENNIFER MEYER CHAGNON, and  
KAMRAN JIVANI, *Administrative Patent Judges*.

JIVANI, *Administrative Patent Judge*.

DECISION  
*Granting* Petitioner's Motion to Dismiss Petition  
37 C.F.R. §§ 42.5(a), 42.71(a)

On April 10, 2019, with Board authorization (Paper 5), Petitioner filed a Motion to Dismiss the Petition in the above-identified proceeding. Paper 6. Petitioner represents that Patent Owner does not oppose the motion. Paper 6, 1; *see also* Paper 5, 2. Petitioner states that it “seek[s] dismissal now due to a change in the relevant authority that may result in the Petition being found to be barred under Section 315(a).” Paper 6, 1. Particularly, Petitioner explains that it seeks dismissal in view of the Federal Circuit’s decision in *Click-To-Call Techs., LP v. Ingenio, Inc., YellowPages.com, LLC*, 899 F.3d 1321 (Fed. Cir. 2018), and the Board’s subsequent application thereof. Paper 6, 4–5.

This proceeding is at an early stage. Patent Owner has waived its preliminary response (Paper 7) and a decision on whether to institute trial has not been made.

Based on the facts of this case, it is appropriate to dismiss the Petition for *inter partes* review. 37 C.F.R. § 42.71(a). Therefore, the motion to dismiss the proceeding is granted. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

#### ORDER

It is, therefore,

ORDERED that Petitioner’s Motion to Dismiss the Petition (Paper 6) is *granted* and the proceeding is terminated; and

FURTHER ORDERED that this proceeding is terminated as to all parties.

IPR2019-00504  
Patent 7,499,119 B2

FOR PETITIONER:

M. Craig Tyler  
ctyler@velaw.com

Eric Klein  
eklein@velaw.com

Mario Apreotesi  
mapreotesi@velaw.com

Jeffrey Swigart  
jswigart@velaw.com

PATENT OWNER:

Tarek Fahmi  
tarek.fahmi@ascendalaw.com

Jonathan Tsao  
jonathan.tsao@ascendalaw.com