

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HUAWEI TECHNOLOGIES CO. LTD,  
Petitioner,

v.

HARRIS GLOBAL COMMUNICATIONS, INC.,  
Patent Owner.

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IPR2019-01512 (Patent 7,440,572 B2)  
IPR2019-01570 (Patent 6,535,227 B1)  
IPR2019-01631 (Patent 7,224,678 B2)<sup>1</sup>

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Before GEORGIANNA W. BRADEN, CHRISTA P. ZADO, and  
FREDERICK C. LANEY, *Administrative Patent Judges*.

PER CURIAM

DECISION  
Dismissal Prior to Institution of Trial  
35 U.S.C. § 314

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<sup>1</sup> This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

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With prior Board authorization, Petitioner filed in each above-captioned proceeding an Unopposed Motion to Dismiss the Petition and Terminate the Proceeding Before Institution. Paper 6 (“Motion” or “Mot.”).<sup>2</sup>

Petitioner represents that the related district court litigations, *L3Harris Technologies, Inc. v. Huawei Device USA, Inc.*, No. 2:18-cv-00439-JRG (E.D. Tex.) and *Huawei Technologies Co., Ltd. v. L3Harris Technologies, Inc.*, No. 1:19-cv-01306 (D. Del.), have been dismissed pursuant to Stipulations of Dismissal filed by both Petitioner and Patent Owner. Mot. 1; *see also* Exs. 1021, 1022. Patent Owner does not oppose the Motion. Paper 7, 1. Both Petitioner and Patent Owner contend there is good cause to terminate the proceedings because it will preserve the resources of the Board and the parties. *Id.* at 1–2; Mot. 1–2.

Each proceeding is at an early stage. A decision whether to institute trial has not been made. In each proceeding, Petitioner requested authorization to file an unopposed motion to dismiss the Petition and terminate the proceeding more than two months before the statutory deadline for institution.

The Board has discretion to “take up petitions or motions for decisions in any order” and to “grant, deny, or dismiss any petition or motion” or enter any appropriate order. 37 C.F.R. § 42.71(a) (2018). Dismissal of the Petition in each proceeding at this early stage, before any

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<sup>2</sup> We refer to the papers filed in IPR2019-01512. However, similar papers were filed in IPR2019-01570 and IPR2019-011631, and this Order applies equally in each of these cases.

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decision on the merits of the Petition, will preserve the Board's and the parties' resources and promote the objective of a "just, speedy, and inexpensive resolution of every proceeding." 37 C.F.R. § 42.1(b) (2018). Based on the facts of this case and in view of Petitioner's unopposed motion, we determine that it is appropriate to dismiss the Petition in each proceeding. *See* 37 C.F.R. § 42.71(a) (2018). Therefore, Petitioner's Motion is *granted*. This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

#### ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that Petitioner's Unopposed Motion to Dismiss the Petition and Terminate the Proceeding is *granted*, and each proceeding is terminated as to all parties.

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