

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS
AMERICA, INC., and HP INC.,
Petitioner,

v.

NEODRON LTD.,
Patent Owner.

Case IPR2020-00521
Patent 10,365,747 B2

Before MIRIAM L. QUINN, PATRICK M. BOUCHER, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER

Granting Motion to Withdraw Petition and Terminate Proceeding
37 C.F.R. § 42.5(a)

I. INTRODUCTION

Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and HP Inc., “Petitioner,” filed a Petition requesting *inter partes* review of claims 1–21 of U.S. Patent No. 10,365,747 B2 (“the ’747 patent”). Paper 1 (“Pet.”). Neodron Ltd. (“Patent Owner”) has not filed a Preliminary Response in this proceeding. This Petition, however, is the second petition concerning the ’747 patent. Petitioner previously filed a first petition also challenging claims 1–21 of the ’747 patent and that proceeding is pending as IPR2020-00308 (“the ’308 IPR”). Petitioner requested, and we authorized, the filing of an unopposed Motion to Withdraw Petition for *Inter Partes* Review. *See* Paper 7 (“Mot.”).

The Motion explains that the Petition in this proceeding was filed to account for a potential dispute in priority date. Mot. 1–2; *see also* Pet. 5–6 (stating that “[t]o streamline the Board’s review, Petitioner[] would be willing to withdraw this Petition if Patent Owner agrees not to assert an earlier invention date and stipulates that, for purposes of this inter partes review proceeding, Stacy qualifies as prior art to Claims 1–21 of the ’747 patent.”). Patent Owner has confirmed in its preliminary response that “[f]or purposes of this IPR, Patent Owner agrees that December 2, 2010 is the priority date of the ’747 patent,” and that it will not seek to swear behind the reference asserted in IPR2020-00308. ’308 IPR, Prelim. Resp. 15 (Paper 7). Patent Owner does not oppose Petitioner’s motion to withdraw the instant Petition and terminate the proceeding in order to preserve the resources of the Board and the parties. Mot. 1.

CONCLUSION

This proceeding is at the early stages before institution and the parties have shown that no dispute as to the priority date persists such that a second petition challenging claims 1–21 of the '747 patent would be necessary. We, therefore, grant the Motion and terminate IPR2020-00521.

II. ORDER

Accordingly, it is hereby:

ORDERED that Petitioner's Motion to Withdraw Petition is *granted*;
and

FURTHER ORDERED that IPR2020-00521 is hereby terminated.

IPR2020-00521
Patent 10,365,747 B2

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