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Paper 30
Date: September 16, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WYZE LABS, INC.,
Petitioner,

v.

SENSORMATIC ELECTRONICS, LLC,
Patent Owner.

IPR2020-01486 (Patent 8,208,019 B2),
IPR2020-01487 (Patent 7,954,129 B2),
IPR2020-01488 (Patent 7,730,534 B2),
IPR2020-01489 (Patent 7,936,370 B2),
IPR2020-01490 (Patent 8,610,772 B2)[1]

Before MITCHELL G. WEATHERLY, DAVID C. MCKONE,
TERRENCE W. MCMILLIN, and JULIET MITCHELL DIRBA,
Administrative Patent Judges.[2]

PER CURIAM

TERMINATION
After Institution of Trial
35 U.S.C. § 317; 37 C.F.R. § 42.72

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[1] This Order applies to the above-listed proceedings. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.
[2] This is not an expanded panel.

I. INTRODUCTION

Petitioner and Patent Owner (collectively referred to as "the Parties") have requested that the above-identified *inter partes* review proceedings be terminated pursuant to a final judgment of invalidity in a District Court action. On September 3, 2021, we authorized the Parties via email to file joint motions to terminate the above-identified proceedings. On September 10, 2021, the Parties filed Joint Motions to Terminate the above-identified proceedings. Paper 30 ("Joint Motion").[3]

II. DISCUSSION

The U.S. District Court has determined that the claims of the patents involved in the above-identified proceedings recite subject matter that is ineligible for patent protection under 35 U.S.C. § 101. *Sensormatic Electronics, LLC v. Wyze Labs, Inc*., No. 19-1543, 484 F. Supp. 3d 161 (D. Del. Sep. 3, 2020). The District Court's decision has been affirmed by the Court of Appeals for the Federal Circuit. *Sensormatic Electronics, LLC v. Wyze Labs, Inc*., No. 2020-2320, 2021 WL 2944838, at *4 (Fed. Cir. July 14, 2021). The Parties have jointly agreed to terminate the above-identified proceedings based on Patent Owner's decision not to seek rehearing or appeal of the Federal Circuit's decision. Joint Motion 1. The Parties have not identified any other related matters.

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." It is also provided in

[3] All citations are to IPR2020-01486 with the understanding that the other proceedings include papers having substantially the same substantive content.

35 U.S.C. § 317(a) that if no petitioner remains in the *inter partes* review, the Office may terminate the review.

Under the present circumstances, the Board determines that it is appropriate to grant the Joint Motions of the Parties and to terminate the proceedings. This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motions to Terminate (Paper 30) are *granted*, and IPR2020-01486, IPR2020-01487, IPR2020-01488, IPR2020-01489, and IPR2020-01490 are *terminated* pursuant to 37 C.F.R. § 42.72.

IPR2020-01486 (Patent 8,208,019 B2), IPR2020-01487 (Patent 7,954,129 B2), IPR2020-01488 (Patent 7,730,534 B2), IPR2020-01489 (Patent 7,936,370 B2), IPR2020-01490 (Patent 8,610,772 B2)

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