

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DROPWORKS, INC.,  
Petitioner,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,  
Patent Owner.

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IPR2021-00828  
Patent US 9,056,289 B2

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Before JOHN G. NEW, ROBERT A. POLLOCK, and  
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

NEW, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Unopposed Motions to Dismiss the Petition and  
Terminate the Proceeding Before Institution  
*37 C.F.R. §§ 42.5(a), 42.71(a)*

On October 20, 2021, with authorization of the Board, Petitioner Dropworks, Inc. (“Petitioner”) filed a motion to dismiss the petition and to terminate the proceeding. Paper 13. Patent Owner President and Fellows of Harvard College (“Patent Owner”) does not oppose the motion. *Id.* at 2.

In the motion, Petitioner explains that dismissal of the petition and termination of the proceedings are appropriate because the motion has been filed prior to institution. Paper 13 at 2. Specifically, Petitioner states that the basis for this termination request is that the Petitioner in this proceeding has been acquired by Bio-Rad Laboratories, Inc. (“Bio-Rad”), which is the exclusive licensee of the ’289 patent. *Id.* Petitioner affirms that the acquisition of Dropworks is memorialized in a written Merger Agreement.<sup>1</sup> *Id.* Petitioner asserts that termination will achieve a just, speedy, and inexpensive resolution to the dispute. *Id.* at 3.

As Petitioner correctly asserts, this case is in the preliminary proceeding stage, and a decision whether to institute trial has not been entered. Under the circumstances, we conclude that it is appropriate to grant Petitioner’s unopposed motion to dismiss the petition and to terminate the proceeding.

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<sup>1</sup> In response to the Board’s inquiry, Petitioner indicates its willingness to file, and requests authorization from the Board to file, the Merger Agreement subject to the agreement being kept confidential. Paper 13 at n.1. We find that good cause for this request exists under 37 C.F.R. § 42.14.

ORDER

Accordingly, it is hereby:

ORDERED that Petitioner's unopposed motions are granted;

FURTHER ORDERED that the petition in IPR2021-00828 is dismissed; and

FURTHER ORDERED that a copy of the Merger Agreement between Petitioner and Patent Owner shall be filed, along with a motion to seal, no later than November 3, 2021; and

FURTHER ORDERED that the proceeding in IPR2021-00828 is terminated.

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