

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINAXIS INC. and KINAXIS CORP.,
Petitioner,

v.

BLUE YONDER GROUP, INC.,
Patent Owner.

IPR2021-01246
Patent 6,591,153 B2

Before NATHAN A. ENGELS, PAUL J. KORNICZKY, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

DECISION
Dismissal Prior to Institution of Trial
37 C.F.R. § 42.71(a)

The parties filed a Joint Motion to Terminate Petition for *Inter Partes* Review. Paper 15 (“Mot.”). The parties also filed a copy of their Joint Stipulation of Dismissal from the related district court case (*Blue Yonder Group Inc. v. Kinaxis Inc.*, No. 3:20-cv-03636-K (N.D. Tex.)). Ex. 1013. In the Joint Motion, the parties cite 37 C.F.R. § 42.71(a) and move to terminate the Petition (Paper 2), stating that the parties have “dismissed their dispute in the district court . . . with respect to US Patent No. 6,591,153,” as indicated by the Joint Stipulation of Dismissal. Mot., 1 (citing Ex. 1013).

The parties have shown good cause for dismissal of the Petition under 37 C.F.R. § 42.71(a). The parties have dismissed their dispute regarding the challenged patent in the district court, a decision on whether to grant the Petition has not yet been issued, and the Board has not issued any other substantive decisions. Dismissing the Petition at this stage promotes the Board’s objective of achieving “just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b). It also facilitates settlement. *See* PTAB Consolidated Trial Practice Guide 86 (Nov. 2019) 5 (“There are strong public policy reasons to favor settlement.”).

Under these circumstances, we determine that it is appropriate to dismiss the Petition and terminate this proceeding.

It is

ORDERED that the parties’ Joint Motion to Terminate the Petition for *Inter Partes* Review is *granted*, the Petition is dismissed, and this proceeding is hereby terminated.

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