

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

CORRIGENT CORPORATION,
Patent Owner.

IPR2022-01514
Patent 7,330,431 B2

Before NATHAN A. ENGELS, CHRISTOPHER L. OGDEN, and
BRENT M. DOUGAL, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

TERMINATION
Prior to Institution of Trial
37 C.F.R. §§ 42.5(a), 42.71(a)

I. INTRODUCTION

In this preliminary proceeding, Unified Patents, LLC (“Petitioner”) filed an Unopposed Motion to Dismiss and Terminate This Proceeding. Paper 7 (“Mot.”). Petitioner states that it “conferred with Patent Owner Corrigent Corporation (‘Patent Owner’) on March 22, 2023, and Patent Owner does not oppose this motion.” Mot. 2.

II. DISCUSSION

Our rules provide us 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. §§ 42.5(a), 42.71(a); *see also Samsung Elecs. Co. v. NVIDIA Corp.*, IPR2015-01270, Paper 11 at 3–4 (PTAB Dec. 9, 2015) (“the rules do not expressly preclude termination . . . during the preliminary proceedings”).

Petitioner argues that there is good cause to dismiss the Petition and terminate this proceeding for the following reasons:

(1) “this proceeding is in a preliminary stage,” such that “[t]he Board has yet to issue any decision, much less a decision on institution,” and the “preservation of resources would be real and substantial for the Board and the parties,” Mot. 2; *see also* Mot. 5 (“termination is also a just resolution, as Patent Owner will benefit from preserving its own resources”);

(2) “Unified has recently sought to reallocate its resources in light of budget constraints, and does not wish to expend further resources on this matter,” Mot. 2; *see also* Mot. 3 (“Unified seeks to reallocate its budgets and resources, and Unified does not wish to spend additional resources on this proceeding.”);

(3) “Patent Owner would not be prejudiced by dismissal and the Board’s subsequent termination of this matter,” Mot. 3; and

(4) “termination will achieve a just, speedy, and inexpensive resolution of the dispute . . . [and w]ithdrawal is also in the interest of justice, as the parties have no other dispute, and dismissal will resolve matters,” Mot. 2.

Petitioner “also confirms that, other than conferring with Patent Owner regarding its position on this motion, there are no agreements between the parties (oral, written, or otherwise) made in connection with, or in contemplation of, termination of this proceeding (i.e., there are no agreements between the parties whatsoever).” Mot. 5.

For at least the reasons above, we agree with Petitioner that good cause exists and that it is appropriate to dismiss the petition and terminate the preliminary proceeding, without rendering a decision on institution or a final written decision. *See Samsung*, Paper 11 at 3–4 (determining that dismissal was appropriate because the proceeding was “at [an] early juncture” and “to promote efficiency and minimize unnecessary costs”). Thus, we exercise our discretion and dismiss this petition under 37 C.F.R. §§ 42.5(a), 42.71(a) and terminate the preliminary proceeding.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

III. ORDER

Accordingly, it is

ORDERED that, in IPR2022-01514, Petitioner's Unopposed Motion to Dismiss and Terminate This Proceeding is *granted*; and

FURTHER ORDERED that, in IPR2022-01514, the preliminary proceeding is *terminated* and the petition is *dismissed*.

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For PETITIONER:

David Seastrunk
Ashraf Fawzy
UNIFIED PATENTS LLC
david@unifiedpatents.com
afawzy@unifiedpatents.com

For PATENT OWNER:

James Nuttall
Katherine Cappaert
Thomas Yebernetsky
Christopher Suarez
STEPTOE & JOHNSON LLP
jnuttall@steptoe.com
cpdocketcappaert@oblon.com
tyebernetsky@steptoe.com
csuarez@steptoe.com