

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AFFINITY NETWORK, INC.,
Petitioner,

v.

TELIAX TECHNOLOGY LLC,
Patent Owner.

IPR2023-00412
Patent 9,807,249 B2

Before JEAN R. HOMERE, DANIEL J. GALLIGAN,
NORMAN H. BEAMER, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION
Dismissal Prior to Institution of Trial
35 U.S.C. § 314

I. INTRODUCTION

On April 5, 2023, we authorized Affinity Network, Inc. (“Petitioner”) and Teliix Technology LLC (“Patent Owner”) (collectively referred to as “the Parties”) to file a joint motion to terminate the above-identified proceeding. Paper 6 (“Joint Motion”). In their Joint Motion, the Parties request that this proceeding be terminated pursuant to a final judgment of invalidity of U.S. Patent No. 9,807,249 (the “’249 Patent”) by the United States District Court for the District of Nevada. Paper 6, 2. The Parties’ Joint Motion is *granted*.

II. DISCUSSION

The U.S. District Court has determined that the patent claims involved in this proceeding recite subject matter that is ineligible for patent protection under 35 U.S.C. § 101. *Teliix Tech. LLC v. Affinity Network, Inc.*, No. 2:22-CV-00362-CDS-DJA, 2022 WL 11158348, *13 (D. Nev. Oct. 19, 2022) (determining that “the entire ’249 patent is directed toward unpatentable subject matter”). On November 17, 2022, Patent Owner appealed the judgment to the U.S. Court of Appeals for the Federal Circuit. Paper 6, 1. The Federal Circuit dismissed Patent Owner’s appeal pursuant to the Parties’ joint stipulation of voluntary dismissal. *Id.* at 2; *see Teliix Tech. LLC v. Affinity Network, Inc.*, No. 2023-1197, 2023 WL 2525057 (Fed. Cir. Mar. 15, 2023). Accordingly, Patent Owner’s appeal is exhausted and the District Court’s judgment is now final.

Under the present circumstances, the Board determines that it is appropriate to terminate this proceeding. 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 Motion to Terminate in the above-identified proceeding is *granted*, and IPR2023-00412 is *terminated*.

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