

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC
Petitioner

v.

COMPETITIVE ACCESS SYSTEMS, INC.
Patent Owner

Case No. IPR2023-00584
U.S. Patent 10,868,908

JOINT MOTION TO TERMINATE THIS PROCEEDING

I. INTRODUCTION

Petitioner and Patent Owner submit this motion to terminate IPR2023-00584 under 37 C.F.R. § 42.71(a). The parties conferred on September 20, 2023, and agreed to this motion. On September 21, 2023, the parties requested, and the Board authorized, this motion.

The Board has discretion to “*grant*, deny, or dismiss *any petition or motion*.” 37 C.F.R. § 42.71(a) (emphasis added). The parties respectfully request that the Board terminate the proceeding for the good cause shown herein. Specifically, this matter is still in the pre-institution phase, and Unified has recently sought to reallocate its resources in light of budget constraints and does not wish to expend further resources on this matter.

Termination will achieve a just, speedy, and inexpensive resolution of the dispute. The preservation of resources would be real and substantial for the Board and the parties. Withdrawal is also in the interest of justice, as the parties have no other dispute, and termination will resolve matters.

II. ARGUMENT

Good cause exists to terminate this proceeding. Unified seeks to reallocate its budgets and resources, and Unified does not wish to spend additional resources on this proceeding. Patent Owner would not be prejudiced by dismissal and the Board’s

subsequent termination of this matter. Additionally, the proceedings is in its early stages. No institution decision has been entered.

Additionally, the termination of this proceeding will not affect any other proceedings before the Board. The '908 Patent is not involved in any other proceeding before the Board. IPR2023-00880, which was filed on May 8, 2023 and relates to a different patent (9,350,649) is also in the pre-institution phase. Both the '908 Patent and '649 Patent are currently asserted in litigation against Oracle Corporation *et al.*, and that case is in the claim construction phase.

The Board has broad authority to terminate a petition prior to institution under 37 C.F.R. §§ 42.71(a) and 42.5(a). Ending this petition for IPR early promotes the Congressional goal of establishing a more efficient patent system by limiting unnecessary and counterproductive costs. *See* Changes to Implement *Inter Partes* Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents, 77 Fed. Reg. 48,680 (Aug. 14, 2012). The USPTO can conserve its resources by terminating now.

The parties further confirm that, beyond conferring with Patent Owner regarding its position on this motion, there are no agreements between the parties, written or otherwise.

III. CONCLUSION

The Board should terminate IPR2023-00584.

Dated: September 28, 2023

Respectfully Submitted,

/Michelle Aspen/
Michelle Aspen
Reg. No. 75,665

Counsel for Petitioner

/Jason A. Engel/
Jason A. Engel, Lead Counsel
Registration No. 51,654

Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on September 28, 2023
a copy of the foregoing **JOINT MOTION TO TERMINATE THIS
PROCEEDING** was provided via email to:

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Dated: September 28, 2023

Respectfully Submitted,
/Ashley F. Cheung/
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