

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

COMPETITIVE ACCESS SYSTEMS, INC.,
Patent Owner.

IPR2023-00584
Patent 10,868,908 B2

Before BARBARA A. PARVIS, STEVEN M. AMUNDSON, and
JASON M. REPKO, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

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

I. INTRODUCTION

On March 1, 2023, Unified Patents, LLC (“Petitioner”) filed a Petition (Paper 1 (“Pet.”)¹) requesting an *inter partes* review of claims 1–3, 5, 6, and 13–15 (“challenged claims”) of U.S. Patent No. 10,868,908 B2 (Ex. 1001, “the ’908 patent”). On July 14, 2023, Competitive Access Systems, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). On September 28, 2023, with the Board’s authorization,² Petitioner filed a Joint Motion to Terminate This Proceeding. Paper 10 (“Mot.” or “Motion”).

Petitioner contends that it “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 id.* at 2–3 (contending that Petitioner “seeks to reallocate its budgets and resources,” Petitioner “does not wish to spend additional resources on this proceeding,” and “Patent Owner would not be prejudiced by dismissal and the Board’s subsequent termination of this matter”). Petitioner represents “the parties have no other dispute” and “the termination of this proceeding will not affect any other proceedings before the Board.” *Id.* at 2–3. Petitioner asserts that IPR2023-00880 “relates to a different patent (9,350,649),” which Petitioner refers to as the ’649 Patent. *Id.* at 3. Petitioner represents that “[b]oth the ’908 Patent and the ’649 Patent are currently asserted in litigation against Oracle Corporation et al., and that case is in the claim construction phase.” *Id.* Petitioner argues the “preservation of resources would be real and substantial for the Board and the parties.” *Id.* at 2.

¹ Petitioner filed, with the Board’s authorization, a Corrected Petition (Paper 7) to correct annotations to certain figures. *See* Ex. 1020.

² On September 21, 2023, we granted authorization for the parties to file a motion to dismiss and terminate the proceeding. *See* Ex. 3001.

Petitioner represents that the “parties conferred on September 20, 2023, and agreed to this motion” and “Petitioner and Patent Owner submit this motion to terminate IPR2023-00584 under 37 C.F.R. § 42.71(a).”

Mot. 2. In its Motion, Petitioner represents that “beyond conferring with Patent Owner regarding its position on this motion, there are no agreements between the parties, written or otherwise.” Mot. 3. Accordingly, Petitioner has nothing to submit under 35 U.S.C. 317(b) or 37 C.F.R. § 42.74(b).
Mot. 3.

Having considered Petitioner’s Motion, we determine that it is appropriate to dismiss the Petition and terminate the proceeding as to both Petitioner and Patent Owner without rendering either a decision to institute or a final written decision. *See* 37 C.F.R. §§ 42.5(a), 42.71(a) (“The Board . . . may grant, deny, or dismiss any petition or motion.”). This case is in the preliminary proceeding stage. *See id.* § 42.2 (preliminary proceeding begins with the filing of a petition for instituting a trial and ends with a written decision as to whether trial will be instituted). No decision whether to institute a trial has been made. Under the circumstances, we find that dismissal of the Petition and termination of the proceeding at this stage will promote efficiency and avoid incurring unnecessary costs.

Accordingly, we grant the Joint Motion to Terminate This Proceeding and dismiss all further proceedings in IPR2023-00584.

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

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Joint Motion to Terminate This Proceeding
(Paper 10) is granted;

FURTHER ORDERED that the Petition (Papers 1, 7) is dismissed;
and

FURTHER ORDERED that IPR2023-00584 is terminated.

IPR2023-00584
Patent 10,868,908 B2

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