

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARKNINJA, INC., SHARKNINJA OPERATING LLC,
SHARKNINJA MANAGEMENT LLC, and
SHARKNINJA SALES COMPANY,
Petitioner,

v.

DYSON TECHNOLOGY LIMITED,
Patent Owner.

IPR2023-01323
Patent 11,589,660 B2

Before JAMES A. TARTAL, FRANCES L. IPPOLITO, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

MEYERS, *Administrative Patent Judge*.

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

I. INTRODUCTION

SharkNinja, Inc., SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company (collectively, “Petitioner”) filed on August 18, 2023, a Petition requesting an *inter partes* review of claims 1–9, 15, 18, 23, 24, and 30–34 of U.S. Patent No. 11,589,660 B2 (“the ’660 patent”). Paper 2 (“Petition”). The ’660 patent issued on February 28, 2023. Ex. 1001, code (45). With the Board’s authorization, Petitioner filed a Motion to Withdraw Petition Through Dismissal Without Prejudice in this proceeding prior to an institution decision. Paper 6 (“Motion”). In the Motion, Petitioner states that “[p]ursuant to 35 U.S.C. § 311(c), claims of the ’660 patent were not yet eligible for *Inter Partes* review.” Motion 1. Dyson Technology Limited (“Patent Owner”) has not yet filed a Preliminary Response to the Petition. Petitioner informs us that Patent Owner “does not oppose this Motion.” Motion 1.

II. ANALYSIS

This proceeding is in a preliminary stage, and no decision on whether to institute an *inter partes* review has been made. Petitioner asserts that “Patent Owner has not filed its Preliminary Response” and “[d]ismissal of the Petition at this early juncture would promote efficiency and minimize unnecessary costs.” *Id.* Petitioner also represents that “Patent Owner indicated that it does not oppose this Motion.” *Id.* According to Petitioner, it “intend[s] to refile the Petition when the claims of the ’660 patent become eligible for [*inter partes*] review.” *Id.*

Under these circumstances, we determine that it is appropriate to grant Petitioner’s Motion to withdraw its petition and terminate this proceeding.

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motion to withdraw its petition for *inter partes* review is *granted*; and

FURTHER ORDERED that the Petition is *dismissed* and this proceeding is *terminated* as to all parties.

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