

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SONGBIRD TECH, LLC,
Patent Owner.

IPR2024-01096
Patent 8,825,787 B2

Before THU A. DANG, KEVIN F. TURNER, and GARTH D. BAER,
Administrative Patent Judges.

BAER, *Administrative Patent Judge.*

DECISION
Dismissal Prior to Institution of Trial
35 U.S.C. § 314, 37 C.F.R. § 42.71(a)

I. INTRODUCTION

On August 14, 2024, Google LLC (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–10 of U.S. Patent No. 8,825,787 B2 (“the ’787 patent”). Paper 1 (“Petition”). On September 6, 2024, prior to an institution decision and with the Board’s authorization, Petitioner filed a Motion to Terminate Proceeding. Paper 4 (“Motion”).

Songbird Tech, LLC (“Patent Owner”) has not yet made an appearance in this proceeding; however, Petitioner represents in the Motion that “Petitioner conferred with Patent Owner’s litigation counsel, and Patent Owner is unopposed to Petitioner’s motion.” Motion 2.

II. ANALYSIS

Having considered Petitioner’s Motion, we determine that it is appropriate to dismiss the Petition 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). This proceeding is in a preliminary stage, and no decision on whether to institute an *inter partes* review has been made. As Petitioner notes, this “proceeding is in its infancy with significant work still to be done, including a possible Patent Owner Preliminary Response, the Board’s Institution Decision,” and potentially additional briefing should we institute trial. Motion 2.

Under these circumstances, we determine that it is appropriate to grant Petitioner’s request to dismiss its Petition and terminate this proceeding.

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

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motion to Terminate Proceeding is *granted*; and

FURTHER ORDERED that the Petition is *dismissed* and IPR2024-01096 is *terminated* as to all parties.

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