

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PROXENSE, LLC,
Patent Owner.

IPR2024-00600
Patent 10,698,989 B2

Before THU A. DANG, KEVIN F. TURNER, and DAVID C. McKONE,
Administrative Patent Judges.

McKONE, *Administrative Patent Judge.*

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

On March 18, 2025, Apple Inc. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–9 of U.S. Patent No. 10,698,989 B2 (Ex. 1001, “the ’989 patent”). Pet. 1. Proxense, LLC (“Patent Owner”) has not entered an appearance in this proceeding, despite the expiration of its deadline to do so.¹ See 37 C.F.R. § 42.8(a)(2), (b)(3).

After Petitioner filed the Petition, all claims of the ’989 patent were cancelled in Reexamination Control No. 90/015,054. See Exhibit 3001 (March 20, 2025, Reexamination Certificate cancelling claims 1–9 of the ’989 patent). Petitioner moves to dismiss the Petition and terminate this proceeding. Motion to Terminate *Inter Partes* Review, Paper 7 (“Mot.”).

Petitioner contends that good cause exists to dismiss the petition and terminate the proceeding because it would preserve the Board’s and the parties’ resources and because Patent Owner will not be prejudiced, as all claims of the ’989 patent already have been cancelled. Mot. 2–4. We agree with Petitioner.

“The Board may terminate a trial without rendering a final written decision, where appropriate.” 37 C.F.R. § 42.72. This proceeding is at a preliminary stage and the parties’ dispute effectively has been resolved by the cancellation of all claims of the ’989 patent in reexamination. Maintaining this proceeding and instituting a trial would be a waste of Board and party resources. Dismissal and termination would promote the “just, speedy, and inexpensive resolution” of this proceeding. 37 C.F.R. § 42.1(b).

Under the circumstances of this case, we find good cause to dismiss the Petition and terminate the proceeding.

¹ Petitioner certifies that it served the Petition on Patent Owner on March 18, 2025. Pet. 88.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the Petition (Paper 2) is dismissed; and

FURTHER ORDERED that this proceeding is terminated.

IPR2024-00600
Patent 10,698,989 B2

FOR PETITIONER:

Philip Woo
Monte Squire
Daryl Bartow
Paul Belnap
SUANE MORRIS LLP
pwwoo@duanemorris.com
mtsquire@duanemorris.com
dsbartow@duanemorris.com
phbelnap@duanemorris.com

FOR PATENT OWNER:

Patent Law Works/Proxense
Greg Sueoka
4516 South 700 East
Suite 290
Salt Lake City, UT 84107