

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

Case CBM2015-00129
Patent 7,942,317

Before JENNIFER S. BISK, RAMA G. ELLURU,
JEREMY M. PLENZLER, and MATTHEW R. CLEMENTS,
Administrative Patent Judges.

ELLURU, *Administrative Patent Judge.*

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

Patent Owner Smartflash LLC (“Smartflash”) has requested, via email, authorization to file a motion to terminate the present proceeding in light of our Final Written Decision (“FWD”) in CBM2014-00112, which determined that the challenged claims in the present proceeding (i.e., claims 7 and 12), among others claims, are unpatentable, and the dismissal of Smartflash’s appeal from the FWD in CBM2014-00112 in the United States Court of Appeals for the Federal Circuit. *See* CBM2014-00112, Paper 48, 29; CBM2015-00018, Paper 46, 2–3 (terminating CBM2015-00018 because challenged claim 18 of the ’317 patent had been finally cancelled and any decision we might reach in CBM2015-00018 regarding the patentability of this claim would have been moot and purely advisory). The email request represents that Petitioner Google Inc. (“Google”) does not oppose Smartflash filing the requested motion.

We grant Smartflash’s request to file a motion to terminate. Said motion shall be filed by April 21, 2016. Any opposition by Petitioner Google Inc. to the motion shall be filed by April 28, 2016.

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It is

ORDERED that Smartflash's request for authorization to file a motion to terminate is granted;

FURTHER ORDERED that Smartflash shall file the motion to terminate by April 21, 2016; and

FURTHER ORDERED that any opposition by Google to the motion shall be filed by April 28, 2016.

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