

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACK SWAMP IP, LLC,
Petitioner,

v.

VIRNETX INC.,
Patent Owner.

IPR2016-00957
Patent 7,921,211 B2

Before MICHAEL P. TIERNEY, *Vice Chief Administrative Patent Judge*,
KARL D. EASTHOM, JASON W. MELVIN, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

TERMINATION
Dismissing Petition on Remand
37 C.F.R. § 42.72

IPR2016-00957
Patent 7,921,211 B2

I. BACKGROUND

On June 12, 2017, the Board issued a Final Written Decision in this proceeding. Paper 14 (“Final Written Decision”). On appeal, the Federal Circuit determined that the appeal of this proceeding was moot because all claims of U.S. Patent 7,921,211 B2 were affirmed as unpatentable in another appeal. *VirnetX Inc. v. Hirshfeld*, No. 2017-2593, 2022 WL 996439, at *1 (Fed. Cir. Apr. 4, 2022) (citing *VirnetX Inc. v. Apple Inc.*, 931 F.3d 1363, 1380 (Fed. Cir. 2019)). Thus, the Court vacated our decision and instructed us to dismiss the Petition. *Id.*

II. ANALYSIS

As directed by the Federal Circuit, we dismiss the Petition in IPR2016-00957. 37 C.F.R. § 42.72.

III. ORDER

It is hereby:

ORDERED that the Petition in IPR2016-00957 is dismissed.

IPR2016-00957
Patent 7,921,211 B2

PETITIONER:

Thomas Martin
Wesley Meinerding
MARTIN & FERRARO, LLP
tmartin@martinferraro.com
wmeinerding@martinferraro.com

PATENT OWNER:

Joseph Palys
Naveen Modi
PAUL HASTINGS LLP
PH-VirnetX-IPR@paulhastings.com