

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

UNILOC 2017 LLC,
Appellant

v.

FACEBOOK, INC., WHATSAPP, INC.,
Cross-Appellants

**ANDREW HIRSHFELD, Performing the Functions
and Duties of the Under Secretary of Commerce for
Intellectual Property and Director of the United
States Patent and Trademark Office,**
Intervenor

2019-2159, -2162

Appeals from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in Nos. IPR2017-
01667, IPR2017-01668, IPR2017-02090, IPR2018-00579,
and IPR2018-00580.

APPLE INC.,
Appellant

**ANDREW HIRSHFELD, Performing the Functions
and Duties of the Under Secretary of Commerce for
Intellectual Property and Director of the United**

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UNILOC 2017 LLC v. FACEBOOK, INC.

States Patent and Trademark Office,
Intervenor

v.

UNILOC 2017 LLC,
Appellee

2019-2160

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in Nos. IPR2017-01667 and IPR2017-01668.

ON MOTION

PER CURIAM.

O R D E R

On June 23, 2021, this court ordered the parties to respond how they believe the above-captioned appeals should proceed in light of *United States v. Arthrex, Inc.*, 141 S. Ct. 1970 (2021). In response, Uniloc 2017 LLC states that it no longer wishes to pursue its Appointments Clause challenge. Uniloc and Apple Inc. also jointly move to dismiss Apple's appeal, Appeal No. 2019-2160, and to dismiss Apple as a party to Uniloc's appeal, Appeal No. 2019-2162. Facebook, Inc., WhatsApp, Inc., and intervenor do not oppose the motion.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The stay is lifted.

UNILOC 2017 LLC v. FACEBOOK, INC.

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(2) The motion is granted. Appeal No. 2019-2160 is dismissed. The revised official caption for Appeal Nos. 2019-2159, -2162 is reflected above.

(3) Each side shall bear its own costs in Appeal No. 2019-2160.

(4) The Clerk of Court shall transmit a copy of this order to the merits panel assigned to Appeal Nos. 2019-2159, -2162.

(5) Appeal Nos. 2019-2159, -2162 will be scheduled for oral argument in due course.

FOR THE COURT

August 13, 2021
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

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ISSUED AS A MANDATE (as to 2019-2160 only):
August 13, 2021