

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WORLD PROGRAMMING LTD.,
Petitioner,

v.

SAS INSTITUTE, INC.,
Patent Owner.

IPR2019-01457 (Patent 7,170,519 B2)
IPR2019-01458 (Patent 7,170,519 B2)
IPR2019-01459 (Patent 7,447,686 B2)
IPR2019-01460 (Patent 7,447,686 B2)¹

Before SALLY C. MEDLEY, JOHN F. HORVATH, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

PER CURIAM

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

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

IPR2019-01457 (Patent 7,170,519 B2)
IPR2019-01458 (Patent 7,170,519 B2)
IPR2019-01459 (Patent 7,447,686 B2)
IPR2019-01460 (Patent 7,447,686 B2)

With prior Board authorization, Petitioner filed an Unopposed Motion to Dismiss the Petition and Terminate the Proceeding Before Institution. Paper 18 (“Motion” or “Mot.”).²

Petitioner represents that the challenged patent is being asserted against Petitioner in a related district court action set for a jury trial in August 2020 in the United States District Court for the Eastern District of Texas. Mot. 2. Petitioner further represents that Patent Owner does not oppose the Motion, and there is good cause to terminate the proceeding because it will preserve the resources of the Board and the parties. *Id.* at 2–5.

This proceeding is at an early stage. A decision whether to institute trial has not been made. Petitioner requested authorization to file an unopposed motion to dismiss the Petition and terminate the proceeding more than two months before the statutory deadline for institution.

The Board has discretion to “take up petitions or motions for decisions in any order” and to “grant, deny, or dismiss any petition or motion” or enter any appropriate order. 37 C.F.R. § 42.71(a) (2018). Dismissal of the Petition at this early stage, before any decision on the merits of the Petition, will preserve the Board’s and the parties’ resources and promote the objective of a “just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b) (2018). Based on the facts of this case and in view of Petitioner’s unopposed motion, we determine that it is

² We refer to the papers filed in IPR2019-01457. However, similar papers were filed in IPR2019-01458, IPR2019-01459, and IPR2019-01460, and this Order applies equally in each of these cases.

IPR2019-01457 (Patent 7,170,519 B2)
IPR2019-01458 (Patent 7,170,519 B2)
IPR2019-01459 (Patent 7,447,686 B2)
IPR2019-01460 (Patent 7,447,686 B2)

appropriate to dismiss the Petition. *See* 37 C.F.R. § 42.71(a) (2018).

Therefore, Petitioner's Motion is *granted*. This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that Petitioner's Unopposed Motion to Dismiss the Petition and Terminate the Proceeding is *granted*, and the proceeding is terminated as to all parties.

IPR2019-01457 (Patent 7,170,519 B2)
IPR2019-01458 (Patent 7,170,519 B2)
IPR2019-01459 (Patent 7,447,686 B2)
IPR2019-01460 (Patent 7,447,686 B2)

For PETITIONER:

Harper Batts
Chris Ponder
Jeffrey Liang
SHEPPARD MULLIN RICHTER & HAMPTON LLP
hbatts@sheppardmullin.com
cponder@sheppardmullin.com

For PATENT OWNER:

Brenton R. Babcock
Joshua P. Davis
Tony T. Chen
WOMBLE BOND DICKINSON (US) LLP
brent.babcock@wbd-us.com
joshua.p.davis@wbd-us.com
tony.chen@wbd-us.com