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Paper 26
Date: July 20, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PLAYTIKA LTD. and PLAYTIKA HOLDING CORP,and
ARISTOCRAT TECHNOLOGIES, INC.,
Petitioner,

v.

NEXRF CORP,
Patent Owner.

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IPR2021-00951 (Patent 8,747,229 B2)
IPR2021-00953 (Patent 9,646,454 B2)[1]

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Before LYNNE H. BROWNE, FREDERICK C. LANEY, and TIMOTHY G. MAJORS, *Administrative Patent Judges.*

BROWNE, *Administrative Patent Judge*.

TERMINATION
Dismissal After Institution of Trial
*35 U.S.C. § 317(a); 37 C.F.R. § 42.72*

[1] This Order is entered into each case. The parties are not authorized to use this joint heading and filing style in their papers.

## I. INTRODUCTION

NexRF Corp. ("Patent Owner") is the owner of the U.S. Patents 8,747,229 ("the '229 patent") and 9,646,454 ("the '454 patent"). Playtika Ltd. and Playtika Holding Corp., filed petitions seeking *inter partes* review of and challenging the patentability of claims 1, 6, 7, 9, 14, 15, 17, 22, and 23 of the '229 patent and claims 1, 3–7, 17, and 26 of the '454 patent. Paper 1.[2] On December 6, 2021, we instituted trial in this proceeding. Paper 14. On April 25, 2022, petitioner Aristocrat Technologies, Inc. was joined as a party to these proceedings. Paper 23. Collectively Aristocrat and the Playtika parties are referred to herein as "Petitioner."

With the Board's authorization, Petitioner and Patent Owner (collectively referred to as "the Parties") filed a Joint Motion to Terminate the above-identified proceeding "in light of the Federal Circuit's Rule 36 judgment affirming the Nevada District Court's decision, which invalidated all claims of the '229 patent [and the '454 patent] under 35 U.S.C. § 101." Paper 25 ("Joint Motion"), 1. In support of the Joint Motion, the Parties filed a copy of a the Federal Circuit's Rule 36 Judgment (Ex. 1023) and the Federal Circuit's Mandate (Ex. 1024).

## II. DISCUSSION

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed."

[2] For purposes of expediency, we cite to Papers filed in IPR2021-00951. Similar Papers were filed in IPR2021-00953.

In the Joint Motion, the Parties represent that "[t]ermination of this *inter partes* review is appropriate because the Federal Circuit's patent ineligibility decision mooted all unpatentability grounds presented before the Board. I" Joint Motion 3. The Parties further represent that Patent Owner "did not request rehearing, and the Federal Circuit issued a formal mandate, indicating that the judgment is final." *Id.*

Although we instituted trial in these proceedings, we have not yet decided the merits of the proceedings, and a final written decisions have not been entered. Notwithstanding that the proceedings have moved beyond the preliminary stage, the Parties have adequately shown that termination of the proceedings is appropriate. Under these circumstances, we determine that good cause exists to terminate the proceedings with respect to the Parties.

This Order does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

## III. ORDER

Accordingly, for the reasons discussed above, it is:

ORDERED that the Joint Motion to Terminate (Paper 25) is *granted*, and IPR2021-00951 and IPR2021-00953 are *terminated* with respect to Petitioner and Patent Owner pursuant to 35 U.S.C. § 317(a) and 37 C.F.R. § 42.72.

IPR2021-00951, Patent 8,747,229 B2
IPR2021-00953, Patent 9,646,454 B2

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