

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CODE200, UAB; TESOLT, UAB; METACLUSTER LT, UAB;
OXYSALES, UAB; AND CORETECH LT, UAB,
Petitioner,

v.

BRIGHT DATA LTD.,
Patent Owner.

IPR2023-00038 (Patent 10,257,319 B2)
IPR2023-00039 (Patent 10,484,510 B2)¹

Before THOMAS L. GIANNETTI, KEVIN C. TROCK, and
SHEILA F. McSHANE, *Administrative Patent Judges*

McSHANE, *Administrative Patent Judge.*

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

¹ This Order applies to each of the listed cases. Given the similarities of issues, we issue one Order to be docketed in each case. The parties are not authorized to use this caption style.

IPR2023-00038 (Patent 10,257,319 B2)

IPR2023-00039 (Patent 10,484,510 B2)

Pursuant to our authorization, Petitioner filed an Unopposed Motion To Terminate And Dismiss *Inter Partes* Review in each of these cases. IPR2023-00038 (“-00038 case”), Paper 18 (“Mot.”); IPR2023-00039 (“00039 case”), Paper 19. Petitioner represents that Patent Owner does not oppose this Motion. Mot. 1.

Petitioner filed the respective petitions, challenging U.S. Patent No. 10,257,319 in the -00038 case and U.S. Patent No. 10,484,510 in the -00039 case on October 17, 2022. No preliminary responses have yet been filed, the Board has not yet reached the merits, and no trials have been instituted.

Petitioner asserts that the petition in the -00038 case is substantively identical to IPR2021-01492 (“-01492 IPR”), which challenges the same patent on the same grounds.² Mot. 1. Petitioner asserts that it was joined to IPR2021-01492, and Patent Owner’s Request for Rehearing was recently denied, so “Petitioner[] and Patent Owner are presently parties to two IPRs challenging the same patent on the same grounds.” *Id.* Petitioner seeks to dismiss and terminate the cases because it is no longer necessary to proceed under these circumstances and dismissal and termination would be in the interest of judicial economy and would conserve the parties’ and the Board’s resources. *Id.* at 2. Petitioner asserts that there is good cause for dismissal and termination in order to preserve the Board’s and the parties’ resources and to further the purpose of *inter partes* review challenges. *Id.* at 6.

² We address the papers and issues in the -00038 case here as representative, because the issues are substantially the same in the -00039 case.

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Under 37 C.F.R. § 42.72, “[t]he Board may terminate a trial without rendering a final written decision, where appropriate,” and under 37 C.F.R. § 42.71(a), the Board “may grant, deny, or dismiss any petition or motion.”

These cases are at very preliminary stages and the merits have not been reached. After reviewing the motions, we determine that good cause has been demonstrated to grant the unopposed motions for dismissal under 37 C.F.R. § 42.71(a) and to terminate the proceedings under 37 C.F.R. § 42.72.

ORDER

Accordingly, it is:

ORDERED that Petitioner’s motions to dismiss are *granted*; and

FURTHER ORDERED that these proceedings are hereby *terminated*.

IPR2023-00038 (Patent 10,257,319 B2)

IPR2023-00039 (Patent 10,484,510 B2)

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