

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

ALFONSO CIOFFI, MEGAN ELIZABETH ROZMAN,
MELANIE ANN ROZMAN, and MORGAN LEE ROZMAN,
Patent Owner.

Case CBM2017-00012
Patent RE43,103

Before JAMESON LEE, JENNIFER S. BISK, and KERRY BEGLEY,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

ORDER
Conduct of Proceeding
37 C.F.R. § 42.5

On January 3, 2017, the Board authorized the parties to file a Joint Motion to Dismiss Petition, and reminded the parties that 37 C.F.R. § 42.74(b) applies to termination of proceedings including a preliminary proceeding. Ex. 3002. The Board stated that “[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of proceeding shall be in writing and a true copy shall be filed together with the Joint Motion to Dismiss.” *Id.*

On January 20, 2017, the parties filed a paper titled “Joint Motion to Dismiss Petition Pursuant to 35 U.S.C. § 317.” Paper 6. No agreement of any kind was filed together with the Joint Motion to Dismiss. It appears that the parties may not be in compliance with 37 C.F.R. § 42.74(b), if this proceeding is terminated without the parties having filed a true copy of their agreement or understanding in contemplation of termination of this proceeding. The existence of a mutual agreement or understanding in that regard appears evident in light of the filing of the Joint Motion to Dismiss.

Accordingly, to give the parties a further opportunity to file any true copy of their agreement or understanding in contemplation of termination of this proceeding, which should have been filed with the Joint Motion to Dismiss, we will delay action on the motion until after January 30, 2017.

ORDER

It is

ORDERED that no decision on the Joint Motion to Dismiss will be rendered until after January 30, 2017, and

FURTHER ORDERED that the parties have until January 30, 2017, to file a true copy of their agreement or understanding in connection with, or in

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contemplation of, the termination of this proceeding or, alternatively, to file a joint notice certifying that no such agreement or understanding exists.

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