

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HCC INSURANCE HOLDINGS, INC.,

Petitioner,

v.

INTELLECTUAL VENTURES I LLC,  
Patent Owner.

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Case IPR2016-01431  
Patent 7,949,752 B2

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Before MICHAEL W. KIM, PETER P. CHEN, and  
ROBERT A. POLLOCK, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

ORDER

*Dismissing the Petition*  
37 C.F.R. §§ 42.5(a), 42.71(a)

On January 13, 2017, pursuant to Board authorization, Petitioner HCC Insurance Holdings Inc. filed a Motion to Dismiss *Inter Partes* Review. Paper 7. With the Motion, Petitioner filed a copy of an order dismissing with prejudice from the related district court litigation, the parties' claims and counterclaims relating to Patent No. 7,949,752 that is challenged herein. Ex. 1007. In particular, the district court stated:

[T]he claims against [Petitioner] HCC relating to the '752 Patent and the counterclaims against [Patent Owner] IV relating to the '752 Patent are dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

Ex. 1007, 2.

This *Inter Partes* Review proceeding is in its initial stages; the Board has not yet decided the merits of the Petition. Patent Owner, having dismissed with prejudice its allegations in the related district court litigation, has indicated that it does not oppose Petitioner's motion. Paper 7, 2. Under these circumstances, we determine that it is appropriate to dismiss the petition and decline to institute trial. *See* 35 U.S.C. § 314; 37 C.F.R. §§ 42.5(a), 42.71(a).

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

Accordingly, based on the foregoing, it is  
ORDERED that the Motion to Dismiss (Paper 7) is granted;  
FURTHER ORDERED that the Petition is dismissed; and  
FURTHER ORDERED that no trial is instituted.

IPR2016-01431  
Patent 7,949,752 B2

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