

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG INNOTEK CO. LTD.,
Petitioner,

v.

SEOUL SEMICONDUCTOR CO. LTD.,
Patent Owner.

IPR2019-01154 (Patent 9,293,664 B2)
IPR2019-01155 (Patent 9,664,356 B2)
IPR2019-01157 (Patent 9,793,448 B2)
IPR2019-01158 (Patent 9,793,448 B2)¹

Before ERICA A. FRANKLIN, JEFFREY W. ABRAHAM, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

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

¹ This order addresses Petitioner's Unopposed Motion to Withdraw the
Petition filed in each of the referenced cases. We exercise our discretion to
issue a single order to be entered in each case.

IPR2019-01154 (Patent 9,293,664 B2)
IPR2019-01155 (Patent 9,664,356 B2)
IPR2019-01157 (Patent 9,793,448 B2)
IPR2019-01158 (Patent 9,793,448 B2)

With prior Board authorization (Ex. 3001), Petitioner filed an Unopposed Motion to Withdraw the Petition. Paper 7.² Petitioner represents that Patent Owner does not oppose the motion. *Id.* at 1. The deadline set by the Board passed with no response having been filed by Patent Owner. *See* Ex. 3001.

Petitioner identifies LG Innotek Co. Ltd. as the real party in interest. Paper 2, 87 (Petition). Patent Owner identifies Seoul Semiconductor Co., Ltd. as the real party in interest. Paper 4, 1 (Mandatory Notices). The parties represent that the challenged patent was asserted in a civil action styled *Seoul Semiconductor Co. v. Fry's Electronics, Inc.*, No. 2:18-cv-00386-JRG (E.D. Tex.). Paper 2, 87; Paper 4, 1; Paper 7, 2. Petitioner represents that it was not involved in the district court proceeding and that it is not “a Real Party in Interest to any parties in the district court proceeding.” Paper 7, 2. Petitioner further represents that the district court proceeding has concluded pursuant to a consent judgment and permanent injunction, which has been filed as an exhibit in this proceeding. *Id.*; Ex. 1016.

This proceeding is at an early stage. A decision whether to institute trial has not been made. Petitioner sought authorization to file an unopposed motion to withdraw the Petition more than seven weeks before the statutory deadline for institution. Ex. 3001.

² Our citations are to papers and exhibits filed in IPR2019-01154. Substantively identical papers were filed in each of the captioned cases.

IPR2019-01154 (Patent 9,293,664 B2)
IPR2019-01155 (Patent 9,664,356 B2)
IPR2019-01157 (Patent 9,793,448 B2)
IPR2019-01158 (Patent 9,793,448 B2)

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 appropriate to dismiss the Petition. *See* 37 C.F.R. § 42.71(a) (2018). Therefore, Petitioner’s Unopposed Motion to Withdraw the Petition is *granted*. This paper does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner’s Unopposed Motion to Withdraw the Petition is *granted*, and the proceeding is terminated.

IPR2019-01154 (Patent 9,293,664 B2)
IPR2019-01155 (Patent 9,664,356 B2)
IPR2019-01157 (Patent 9,793,448 B2)
IPR2019-01158 (Patent 9,793,448 B2)

FOR PETITIONER:

Timothy W. Riffe
Adam R. Shartzner
Hyun Jin In
FISH & RICHARDSON P.C.
IPR38191-0005IP1@fr.com
PTABInbound@fr.com

FOR PATENT OWNER:

Bing Ai
Miguel J. Bombach
Kevin J. Patariu
PERKINS COIE LLP
ai-ptab@perkinscoie.com
bombach-ptab@perkinscoie.com
patariu-ptab@perkinscoie.com

Michael Eisenberg
HOLLAND & KNIGHT
michael.eisenberg@hklaw.com