

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC.,
Petitioner,

v.

BIOGEN, INC.,
Patent Owner.

Case IPR2018-00231
Patent 9,504,744 B2

Before ERICA A. FRANKLIN, SHERIDAN K. SNEDDEN, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

HARLOW, *Administrative Patent Judge*.

JUDGMENT

Granting Unopposed Motion to Dismiss the Petition and Terminate
Proceeding with Prejudice

37 C.F.R. § 42.5(a); 37 C.F.R. § 42.71(a)

I. INTRODUCTION

On June 4, 2018, subsequent to our authorization, Petitioner, Pfizer, Inc., filed an unopposed motion to terminate this proceeding with prejudice. Paper 10. By that motion, “Petitioner respectfully requests that the Board dismiss the underlying Petition and Terminate IPR2018-00231 with prejudice.” *Id.* at 5. Petitioner indicates that Patent Owner does not oppose the motion. *Id.* at 1.

As Petitioner recognizes (Paper 10, 3), this proceeding is at an early stage. We have not considered the merits of the Petition, and we have not instituted a trial. We agree with Petitioner (*Id.* at 10, 3–4) that dismissal of the Petition will preserve the resources of the Board and the parties, and would promote efficiency.

In view of the early stage of this proceeding and Petitioner’s request that the matter be terminated with prejudice, we determine that it is appropriate to dismiss the Petition and terminate the proceeding with prejudice. *See* 37 C.F.R. §§ 42.5(a), 42.71(a). This Decision does not constitute a final written decision pursuant to 35 U.S.C. § 318(a).

Accordingly, it is

ORDERED that Petitioner’s Authorized Unopposed Motion to Terminate Proceeding with Prejudice is granted; and

FURTHER ORDERED that the proceeding is terminated with prejudice.

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