

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., and AMAZON WEB SERVICES, INC.,
Petitioner,

v.

DIVX, LLC,
Patent Owner.

Case IPR2025-01062 (Patent 10,715,806 B2)
Case IPR2025-01222 (Patent 10,412,141 B2)
Case IPR2025-01223 (Patent 11,611,785 B2)¹

Before KEVIN F. TURNER, MIRIAM L. QUINN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

DECISION

Dismissal Prior to Institution of Trial
35 U.S.C. § 314; 37 C.F.R. § 42.73(a)

¹ Because this decision resolves issues that are identical in these three cases, we exercise our discretion to issue a single decision to be entered in each case.

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On August 21, 2025, the Board authorized Petitioner to file an unopposed motion to withdraw the Petition filed in each of the captioned proceedings. On that day, Petitioner filed a Motion to Withdraw in each of the captioned proceedings. Paper 10 in IPR2025-1062, IPR2025-01222, and IPR2025-01223 (“Motion”). The Motions explain that Patent Owner has not yet filed a Preliminary Response and that the discretionary denial briefing has only just begun. Mot. 1. According to the Motions, the district court litigation involving the patents at issue in the instant proceedings is ongoing, with the district court denying motions to stay. *Id.* at 2. Furthermore, a final pretrial conference date has been set for December 18, 2025. *Id.*

The Board has authority to dismiss a petition upon a petitioner’s request to withdraw the petition. The Board, under 37 C.F.R. § 42.71(a), has the discretion to decide filed motions and the petitions *in any order*. Thus, our rules permit us to grant the Motions and terminate these proceedings *before* we decide whether to grant or deny the Petitions.

Further, Petitioner has shown good cause for its requests. Showing good cause for a voluntary motion to withdraw a petition may involve providing a reasonable explanation for the change of circumstances and the showing of efficient use of resources by the parties and the Board. Here, Petitioner avers facts bearing on the likelihood of discretionary denial of its petitions in addition to Petitioner’s alleged intention of filing reexamination requests instead. *See, e.g.*, IPR2025-01062, Ex. 1031. As for use of resources, the Motion states that neither party is spending additional resources on these proceedings, and the Board has not reached the merits or

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issued institution decisions. Mot. 2. The Motions further state that “[n]o prejudice exists because Patent Owner does not oppose the motion[s].” *Id.* at 3. We are persuaded that the Motions explain sufficiently the reasons for the requests to withdraw the Petitions. And the Motions further explain sufficiently that the Board and the parties will preserve resources.

CONCLUSION

These proceedings are at the early stages before institution, and Petitioner has shown good cause for its request, to withdraw the Petitions. Therefore, we grant the Motions and terminate the captioned proceedings.

I. ORDER

Accordingly, it is hereby:

ORDERED that Petitioner’s Motion to Withdraw the Petition in each of the captioned proceedings is *granted*; and

FURTHER ORDERED that IPR2025-01062, IPR2025-01222, and IPR2025-001223 are hereby terminated.

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FOR PETITIONER:

J. Hadden
Saina Shamilov
Allen Wang
FENWICK & WEST LLP
dhadden-ptab@fenwick.com
sshamilov-ptab@fenwick.com
allen.wang@fenwick.com

FOR PATENT OWNER:

Kenneth Weatherwax
Parham Hendifar
LOWENSTEIN & WEATHERWAX LLP
weatherwax@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com