

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

In re: GOOGLE LLC,
Appellant

2022-1611

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. 15/487,516.

ON MOTION

Before LOURIE, CHEN, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

The Director of the United States Patent and Trademark Office moves unopposed to remand for further proceedings.

The Patent Trial and Appeal Board affirmed the examiner's rejection of claims in Google LLC's patent application, finding certain claim limitations were conditional and that the examiner did not need to present evidence of anticipation of those limitations under the Board's precedential decision in *Ex Parte Schulhauser*, No. 2013-007847, 2016 WL 6277792 (P.T.A.B. Apr. 28, 2016).

In her motion, the Director states that the Board's determination was erroneous and seeks remand for additional proceedings. Without taking a position on the underlying merits, we agree that remand is proper and could preserve party and judicial resources.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted, and the matter is remanded to the Board for further proceedings.
- (2) Each side shall bear its own costs.

FOR THE COURT

September 16, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

ISSUED AS A MANDATE: September 16, 2022