

NOTE: This order is nonprecedential.

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

APPLE INC.,
Appellant

v.

RFCYBER CORP.,
Appellee

2023-2396

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2022-
00412.

In Re RFCYBER CORP.,
Appellant

2023-2418

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. IPR2022-
00413.

ON MOTION

Before TARANTO, *Circuit Judge*.

ORDER

Apple Inc. moves to dismiss its Appeal No. 2023-2396 pursuant to Federal Rule of Appellate Procedure 42(b) and to withdraw as appellee from RFCyber Corp.'s Appeal No. 2023-2418. The motion states that RFCyber Corp. does not oppose either request. The parties agree to bear their own costs with respect to Appeal No. 2023-2396.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the above-captioned appeals are deconsolidated and Appeal No. 2023-2396 is dismissed. Each side shall bear its own costs regarding Appeal No. 2023-2396.

(2) Apple Inc. is withdrawn from Appeal No. 2023-2418. The official caption for Appeal No. 2023-2418 is revised in this order to reflect Apple's non-participation.

(3) The opening brief in Appeal No. 2023-2418 is due no later than 60 days from the date of entry of this order.

(4) The United States Patent and Trademark Office (PTO) is directed to inform this court, within 30 days from the date of entry of this order, whether it intends to intervene in Appeal No. 2023-2418.

(5) If the PTO elects to participate as intervenor in Appeal No. 2023-2418, its docketing statement is due no later than 14 days after it files its notice of election to intervene, and its brief is due within 40 days after the opening brief is served.

(6) If the PTO elects not to intervene in Appeal No. 2023-2418, the appendix is due no later than seven days from either the date of filing of the opening brief or the date

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of filing of the PTO's notice of non-election, whichever is later.

(7) The Clerk of Court shall transmit a copy of this order to the merits panel assigned to Appeal No. 2023-2418.

FOR THE COURT



February 21, 2024
Date

Jarrett B. Perlow
Clerk of Court

ISSUED AS A MANDATE (as to Appeal No. 2023-2396 only): February 21, 2024

cc: United States Patent and Trademark Office