

NOTE: This order is nonprecedential.

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

**SABER INTERACTIVE INCORPORATED, NKA S3D
INTERACTIVE, INC.,**
Appellant

v.

OOVEE LTD,
Appellee

**KATHERINE K. VIDAL, UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE,**
Intervenor

2021-2046

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in No.
91248894.

ON MOTION

PER CURIAM.

O R D E R

Appellant moves to voluntarily dismiss its appeal with prejudice and that “each party shall bear their own costs and attorneys’ fees.” In response, appellee “does not contest the withdrawal of the appeal and resultant cancellation of oral argument” but argues that the dismissal should be conditioned on an award of fees for the appeal due to appellant’s “delay tactics” and “vexatious litigation practice.”

Upon consideration thereof,

IT IS ORDERED THAT:

The court has sua sponte determined that the award of attorneys’ fees and costs is not appropriate. The appeal is dismissed with prejudice, and the oral argument scheduled for May 4, 2022, is cancelled.

FOR THE COURT

May 3, 2022
Date

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

ISSUED AS A MANDATE: May 3, 2022