

NOTE: This order is nonprecedential.

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

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**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*

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2021-2046

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

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**ON MOTION**

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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