

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC. and LINKEDIN CORP.,

Petitioner,

v.

PRICEPLAY.COM, INC.,

Patent Owner.

Case CBM2015-00024

Patent 8,494,917

Before JAMES P. CALVE, THOMAS L. GIANNETTI, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

JUDGMENT AND FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73(b)

BACKGROUND

Petitioner requested *inter partes* review of claims 1–18 of U.S. Patent No.8,494,917 (“the ’917 patent”). Paper 4. The Board granted the Petition and instituted an *inter partes* review of all challenged claims. Paper 8. In a conference call on September 14, 2015, the Board authorized Patent Owner to file a motion seeking to abandon the contest, which is construed as a request for adverse judgment. 37 C.F.R. § 42.73(b)(4). Following the conference call, Patent Owner filed a Request to Abandon Contest. Paper 10. Petitioner did not oppose the request.

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Here, Patent Owner has requested to abandon the contest, which is construed as a request for adverse judgment. 37 C.F.R. § 42.73(b)(4). Under these circumstances, entry of judgment adverse to the Patent Owner and cancellation of claims 1–18 of the ’917 patent are appropriate.

CONCLUSION AND ORDER

Patent Owner’s Request to Abandon Contest is *granted*.

It is, therefore,

ORDERED that adverse judgment against the Patent Owner is entered under 37 C.F.R. § 42.73(b);

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a);

FURTHER ORDERED that claims 1–18 of U.S. Patent No. 8,494,917 be CANCELLED.

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Patent 8,494,917

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