

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CORNING GILBERT INC.,
Petitioner,

v.

PPC BROADBAND, INC.,
Patent Owner.

Case IPR2013-00343
Patent 8,313,353 B2

Before JAMESON LEE, MICHAEL R. ZECHER, and
JACQUELINE WRIGHT BONILLA, *Administrative Patent Judges*.

BONILLA, *Administrative Patent Judge*.

JUDGMENT
Request for Adverse Judgment
37 C.F.R. § 42.73(b)

On April 14, 2014, PPC Broadband Inc. (“PPC”) filed a “Patent Owner’s Request for Adverse Judgment Under 37 C.F.R. § 42.73(b)” (“Request”). Paper 26; *see also* Paper 25. The Request states that “[i]n the interest of streamlining the proceedings and focusing its resources, the Patent Owner decided to cancel all of the claims (1-6) of the 8,313,353 Patent involved in this proceeding.” Paper 26 at 1. In the Request, PPC requests cancellation of all claims at issue in this proceeding, i.e., claims 1-6 of U.S. Patent No. 8,313,353 B2 (“the ’353 patent”) (Ex. 1001). *Id.* We note that 37 C.F.R. § 42.73(b)(2) indicates that the Board will construe cancellation of all claims at issue in a trial as a request for adverse judgment. Along these lines, PPC also requests that the Board enter a final adverse judgment against PPC. *Id.*¹

We grant PPC’s request to cancel claims 1-6 of the ’353 patent. We also grant PPC’s request for entry of adverse judgment against itself in this proceeding.

Accordingly, it is hereby

ORDERED that PPC’s request for judgment against itself under 37 C.F.R. § 42.73(b) is GRANTED; and

FURTHER ORDERED that judgment is entered herein against PPC with respect to claims 1-6 of U.S. Patent No. 8,313,353 B2.

¹ PPC has not filed a request for entry of adverse judgment in related IPR2013-00345, where Petitioner Corning Gilbert Inc. has challenged claims 7-27 of the ’353 patent.

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