

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

VIRGINIA INNOVATION SCIENCES, INC.,
Patent Owner.

Case IPR2013-00571¹
Patent 8,135,398 B2

Before MICHAEL W. KIM, BRIAN J. McNAMARA, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

McNAMARA, *Administrative Patent Judge*.

ORDER GRANTING REQUEST FOR ADVERSE JUDGMENT
37C.F.R. § 42.73(b)(2)

¹ Case IPR2014-00557 has been joined with this proceeding

In IPR2013-00571, we instituted a trial based on Samsung Electronics Co., Ltd.'s ("Petitioner's") challenges to claims 15, 55, 57, and 60-62 of U.S. Patent No. 8,135,398 B2 ("the '398 Patent"). Paper 14. On June 13, 2014, in IPR2014-00557, we instituted trial on claims 58 and 63 of the '398 Patent and joined IPR2014-00557 to IPR2013-00571. Paper 22; IPR2014-00557, Paper 10.

On September 11, 2014, Virginia Innovation Sciences, Inc. ("Patent Owner") filed a Request For Adverse Judgment in which it cancelled claims 15, 55, 57, 58, and 60-63 of the '398 Patent. Paper 23.

A party may request judgment against itself at any time during a proceeding, including by cancelling claims, such that the party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). Patent Owner has cancelled all the claims challenged in these joined proceedings.

In consideration of the above, it is

ORDERED that Patent Owner's request for adverse judgment in IPR2013-00571 and IPR2014-00557 is GRANTED and judgment is entered against Patent Owner in each proceeding;

FURTHER ORDERED that claims 15, 55, 57, 58, and 60-63 of the '398 Patent are CANCELLED; and

FURTHER ORDERED that IPR2013-00571 and IPR2014-00557 are terminated.

Case IPR2013-00571; IPR2014-00557
Patent 8,135,398 B2

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