

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMANTEC CORPORATION,
Petitioner,

v.

RPOST COMMUNICATIONS LIMITED,
Patent Owner.

Case IPR2014-00357
Patent 8,468,199

Before THOMAS L. GIANNETTI, BEVERLY M. BUNTING, and
MATTHEW R. CLEMENTS, *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

The petition seeks *inter partes* review of claims 1-20 of U.S. Patent 8,468,199. Paper 2. Patent Owner filed a preliminary response. Paper 10. We denied the petition as to claims 1-8 and instituted *inter partes* review of claims 9-20 only. Paper 14. Now Patent Owner cancels claims 9-20 of the '199 patent and requests adverse judgment under 37 C.F.R. § 42.73(b)(2). Paper 20. No opposition has been filed by Petitioner.

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 cancelled each claim for which *inter partes* review has been instituted, and thus Patent Owner has no remaining claim in the trial. *Id.* § 42.73(b)(2). Under these circumstances, the entry of judgment adverse to the Patent Owner and cancellation of the claims as requested is appropriate.

CONCLUSION AND ORDER

Patent Owner's request for entry of adverse judgment 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); and

FURTHER ORDERED that claims 9–20 of U.S. Patent 8,468,199 are CANCELLED.

IPR2014-00357
Patent 8,468,199

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