

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMPASS BANK, COMMERCE BANCSHARES, INC., and
FIRST NATIONAL BANK OF OMAHA,
Petitioners,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR 2014-00719¹
Patent 6,314,409 B2

Before KRISTEN L. DROESCH, JENNIFER S. BISK, and
JUSTIN BUSCH, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

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

We instituted *inter partes* review of claim 23 of U.S. Patent No.
6,314,409 (“the ’409 Patent”) on October 24, 2014. Paper 11. Pursuant to

¹ Case IPR 2014-00722 has been consolidated with the instant proceeding.

our authorization, Patent Owner filed a Request for Adverse Judgment under 37 C.F.R. § 42.73(b) on November 13, 2014. Paper 17. In its Request for Adverse Judgment, Patent Owner indicates that claim 23, the only claim on which trial was instituted, was disclaimed under 37 C.F.R. § 1.321(a) on November 3, 2014. *Id.* at 2 (citing Ex. 2007). Subsequent to the disclaimer of claim 23, Patent Owner has no remaining claim in the trial. *See* 37 C.F.R. § 42.73(b).

Accordingly, it is

ORDERED that judgment under 37 C.F.R. § 42.73(b) is entered against Patent Owner with respect to claim 23; and

FURTHER ORDERED that this constitutes a final written decision with respect to claim 23 under 35 U.S.C. § 318(a)².

² On December 3, 2014, a conference call was held between Judges Droesch, Bisk, and Busch, counsel for Petitioner, and counsel for Patent Owner. During the call, counsel for Petitioner asked for a final written decision addressing *all* of the claims challenged in the Petition, as required allegedly by 35 U.S.C. § 318(a). This decision addresses the only claim included in the *inter partes* review.

IPR2014-00719
Patent 6,314,409

PETITIONERS:

Joseph Melnik
Geoffrey K. Gavin
JONES DAY
jmelnik@jonesday.com
ggavin@jonesday.com

Marc Vander Tuig
SENNIGER POWERS LLP
mvandertuig@senniger.com

Jason Jackson
KUTAK ROCK LLP
jason.jackson@kutakrock.com

PATENT OWNER:

Lori Gordon
Omar Amin
STERNE, KESSLER, GOLDSTEIN & FOX PLLC
lgordon-PTAB@skgf.com
oamin-PTAB@skgf.com