

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HULU, LLC,
Petitioner,

v.

INTERTAINER, INC.,
Patent Owner.

Case IPR2014-01455
Patent 8,468,099

Before MICHAEL W. KIM, BRIAN P. MURPHY,
and JENNIFER M. MEYER, *Administrative Patent Judges*.

MEYER, *Administrative Patent Judge*.

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

On March 6, 2015, we instituted an *inter partes* review of claims 13–15 and 18 of U.S. Patent No. 8,468,099 (“the ’099 patent”). Paper 9. Pursuant to our authorization, Patent Owner filed a Request for Adverse Judgment Under 37 C.F.R. § 42.73, on June 1, 2015. Paper 11. In the Request, Patent Owner requested cancellation of each of claims 13–15 and 18 and sought entry of adverse judgment. *Id.* at 2.

Under 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Furthermore, under § 42.73(b)(2), actions construed as a request for entry of adverse judgment include cancellation of claims such that the party has no remaining claim in the trial.

Patent Owner not only has requested cancellation of all claims involved in this *inter partes* review, such that after the cancellation it will have no remaining claim in the trial, but also has expressly requested entry of adverse judgment. Patent Owner’s request to cancel claims 13–15 and 18 of the ’099 patent and request for entry of adverse judgment are *granted*.

Accordingly, it is

ORDERED that judgment is entered against Patent Owner 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 the request to cancel claims 13–15 and 18 of the ’099 patent is granted; and

FURTHER ORDERED that this proceeding is hereby terminated.

IPR2014-01455
Patent 8,468,099

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