

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

VIRGINIA INNOVATION SCIENCES, INC.,
Patent Owner.

Case IPR2015-00054
Patent 8,712,471 B2

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

CLEMENTS, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

BACKGROUND

On April 28, 2015, we instituted *inter partes* review of claims 1, 4–7, 11–15, 21–25, 28–35, and 49 of the '471 patent. Paper 8, 20. On July 31, 2015, Patent Owner, Virginia Innovation Sciences Inc., filed a Request for Adverse Judgment (Paper 11) requesting adverse judgment pursuant to 37 C.F.R. § 42.73(b) with respect to the claims that are the subject of this proceeding:

Patent Owner has decided to cancel claims 1, 4-7, 11-15, 21-25, 28-35, and 49 of U.S. Patent No. 8,712,471 (“the '471 patent”), on which IPR2015-00054 was instituted.

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In view of the requested cancellation of the claims of the '471 patent upon which trial was instituted, Patent Owner respectfully requests that the PT AB enter an adverse judgment against Patent Owner in this proceeding pursuant to 37 C.F.R. 42.73(b)(2).

Paper 11, 2. Patent Owner has not filed a Patent Owner Response or a Motion to Amend.

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. *See* 37 C.F.R. § 42.73(b). Here, Patent Owner not only has requested cancellation of every claim remaining in the trial, but also expressly has requested entry of adverse judgment. Paper 11, 2. Under these circumstances, the request for entry of adverse judgment is appropriate.

ORDER

It is

ORDERED that Patent Owner's request for adverse judgment under 37 C.F.R. § 42.73(b) with respect to claims 1, 4–7, 11–15, 21–25, 28–35, and 49 of U.S. Patent No. 8,712,471 B2 is GRANTED; and

FURTHER ORDERED that judgment is entered herein against Patent Owner with respect to claims 1, 4–7, 11–15, 21–25, 28–35, and 49 of U.S. Patent No. 8,712,471 B2; claims 1, 4–7, 11–15, 21–25, 28–35, and 49 of U.S. Patent No. 8,712,471 B2 are not patentable and a certificate canceling them shall issue in due course;

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a); and

FURTHER ORDERED that this proceeding is hereby terminated.

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Patent 8,712,471 B2

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