

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN HONDA MOTOR CO., INC.,
Petitioner,

v.

SIGNAL IP, INC.,
Patent Owner.

Case IPR2015-01002
Patent 6,775,601 B2

Before JOSIAH C. COCKS, MITCHELL G. WEATHERLY, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

JUDGMENT AND FINAL WRITTEN DECISION
37 C.F.R. § 42.73 and 35 U.S.C. § 318(a)

I. BACKGROUND

Petitioner, American Honda Motor Co., Inc., filed a Petition for *inter partes* review of claims 1–17 of U.S. Patent 6,775,601 B2 (the “’601 patent”) on April 3, 2015. Paper 2. Patent Owner, Signal IP, Inc. (“Signal IP”), filed a Patent Owner’s Preliminary Response on July 13, 2015. Paper 6. We instituted trial as to claims 8–11, 13, 15, and 17 of the ’601 patent on October 1, 2015.¹ Paper 10. Signal IP subsequently filed a Patent Owner’s Response on December 15, 2015. Paper 14 (“Response” or “PO Resp.”).

In the Response, Signal IP represented that in a concurrent Reexamination of the ’601 patent (Control No. 90/013,385) it filed an amendment seeking to cancel claims 8–11, 13, 15, and 17. On December 28, 2015, Signal IP filed a copy of an *Ex Parte* Reexamination Certificate that issued in connection with the ’601 patent on December 23, 2015. Ex. 2007. That Certificate indicates that claims 8–11, 13, 15, and 17 are cancelled. *Id.* at 1:15. Therefore, every claim subject to this *inter partes* review has been canceled, and no claims remain in this trial.

II. ANALYSIS

As set forth in 37 C.F.R. § 42.73:

(b) *Request for adverse judgment.* A party may request judgment against itself at any time during a proceeding. Actions construed to be a request for adverse judgment include: . . .

(2) Cancellation or disclaimer of a claim such that the party has no remaining claim in the trial.

¹ We did not institute trial as to claims 1–7, 12, 14, and 16 because those claims had been disclaimed by Signal IP. See Paper 10, 2.

Pursuant to 37 C.F.R. § 42.73(b), we construe cancellation of all claims involved in this proceeding as a request for adverse judgment. We grant that request and enter judgment against Signal IP under 37 C.F.R. § 42.73.

III. ORDER

Accordingly, it is

ORDERED that judgment is entered under 37 C.F.R. § 42.73 against Signal IP with respect to claims 8–11, 13, 15, and 17 of the '601 patent; and

FURTHER ORDERED that this Order constitutes a Final Written Decision under 35 U.S.C. § 318(a).

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