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Paper 14
Entered: April 1, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROBERT BOSCH LLC and DAIMLER AG,
Petitioner,

v.

ORBITAL AUSTRALIA PTY LTD,
Patent Owner.

Case IPR2015-01255
Patent 6,923,387 B2

Before KEN B. BARRETT, JEREMY M. PLENZLER, and AMANDA F. WIEKER, *Administrative Patent Judges.*

WIEKER, *Administrative Patent Judge.*

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

BACKGROUND

Robert Bosch LLC and Daimler AG ("Petitioner") filed a Petition requesting *inter partes* review of claims 1, 2, 4, 5, 7, 10, 14–16, 18, and 19 of U.S. Patent No. 6,923,387 B2 (the "'387 patent"). Paper 3. Orbital Australia Pty Ltd ("Patent Owner") filed a Preliminary Response. Paper 8. We granted the Petition and instituted an *inter partes* review of claims 1, 2, 4, 5, 7, 10, 14–16, 18, and 19 of the '387 patent. Paper 9.

On March 25, 2016, Patent Owner filed its Response to the Petition, in which Patent Owner "hereby provide[s] notice that they are abandoning this contest pursuant to 37 C.F.R. § 42.73(b)(4)." Paper 13. 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). Patent Owner's abandonment of the contest is construed as a request for adverse judgment. *Id*. § 42.73(b)(4). Here, Patent Owner has abandoned the contest, *see* Paper 13, and we interpret that abandonment to apply to all claims on which *inter partes* review was instituted.

Under these circumstances, entry of judgment adverse to the Patent Owner and cancellation of claims 1, 2, 4, 5, 7, 10, 14–16, 18, and 19 is appropriate.

IV. ORDER

In consideration of the foregoing, it is:

ORDERED that Patent Owner's request for entry of adverse judgment is GRANTED;

FURTHER ORDERED that judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b), with respect to claims 1, 2, 4, 5, 7, 10, 14–16, 18, and 19 of the ’387 patent;

FURTHER ORDERED that claims 1, 2, 4, 5, 7, 10, 14–16, 18, and 19 of U.S. Patent No. 6,923,387 B2 will be CANCELLED;

FURTHER ORDERED that because this is a final written decision under 35 U.S.C. § 318(a), parties to this proceeding seeking judicial review of our decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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