

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHISHME, INC.,
Petitioner,

v.

PHISHLINE, LLC,
Patent Owner.

Case IPR2015-01356
Patent 8,484,741 B1

Before JENNIFER S. BISK, DAVID C. McKONE,
and GREGG I. ANDERSON, *Administrative Patent Judges*.

McKONE, *Administrative Patent Judge*.

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

On November 19, 2015, we instituted an inter partes review of claims 9–11 and 23 of U.S. Patent No. 8,484,741 (“the ’741 patent”). Paper 7. On February 19, 2016, Patent Owner requested cancellation of all these claims and sought entry of adverse judgment. Paper 9.

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 has not only 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 expressly requested entry of adverse judgment. Patent Owner’s request to cancel claims 9–11 and 23 of the ’741 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 9–11 and 23 of the ’741 patent is granted;

FURTHER ORDERED that inter partes review captioned IPR2015-01356 be terminated.

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Petitioner:

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