

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOSHIBA CORPORATION and SAMSUNG DISPLAY CO. LTD.,
Petitioner,

v.

GOLD CHARM LTD.,
Patent Owner.

Case IPR2015-01525
Patent 6,816,213 B2

Before KARL D. EASTHOM, MICHAEL R. ZECHER, and
BRYAN F. MOORE, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

I. BACKGROUND

On June 26, 2015, Petitioner, Toshiba Corporation and Samsung Display Company Limited (collectively, “SDC”), filed a Petition requesting an *inter partes* review of claims 1–7 (“all challenged claims”) of U.S. Patent No. 6,816,213 B2 (Ex. 1001, “the ’213 patent”). Paper 1. Patent Owner, Gold Charm Limited (“Gold Charm”), filed a Preliminary Response. Paper 7. On December 28, 2015, we instituted this *inter partes* review proceeding as to all challenged claims of the ’213 patent. Paper 12.

On March 29, 2016, Gold Charm’s counsel notified us and SDC’s counsel via email correspondence that Gold Charm has elected not to file a Patent Owner Response to the Petition under 37 C.F.R. § 42.120. Upon further inquiry from us, Gold Charm’s counsel confirmed via email correspondence dated March, 30, 2016, that its decision not to file a Patent Owner Response to the Petition should be treated as an abandonment of the contest and, therefore, a request for adverse judgment.

II. DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed to be a request for adverse judgment include, among other things, abandonment of the contest. 37 C.F.R. § 42.73(b)(4). In this case, Gold Charm has requested to abandon the contest, which would be construed as a request for adverse judgment even apart from Gold Charm’s explicit request for adverse judgement. Under these circumstances, entry of adverse judgment against

Gold Charm and cancellation of all challenged claims of the '213 patent is appropriate.

III. ORDER

In consideration of the foregoing, it is:

ORDERED that adverse judgment is entered against Gold Charm with respect to claims 1–7 of the '213 patent;

FURTHER ORDERED that claims 1–7 of the '213 patent are cancelled¹; and

FURTHER ORDERED that, because this is a Final Written Decision, 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.

¹ See 37 C.F.R. § 42.80 (indicating that after the Board issues a final written decision in an *inter partes* patent review proceeding, the Office will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable).

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