Trials@uspto.gov
Tel: 571-272-7822

Paper 14
Entered: October 24, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

WEST VIEW RESEARCH, LLC,
Patent Owner.

Cases[1]
IPR2016-00124 (Patent 8,706,504 B2)
IPR2016-00137 (Patent 8,682,673 B2)

Before KARL D. EASTHOM, MICHAEL R. ZECHER, and JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

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

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[1] This Judgement applies to each of the listed cases. We exercise our discretion to issue one Judgement to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

I. BACKGROUND

In Case IPR2016-00124, Petitioner, Volkswagen Group of America, Inc., filed a Petition requesting an *inter partes* review of claims 1, 37, 43–46 and 48 of U.S. Patent No. 8,706,504 B2 ("the '504 patent"). Paper 2. Patent Owner, West View Research, LLC, did not file a Preliminary Response. On May 13, 2016, we instituted an *inter partes* review as to all of the challenged claims. Paper 7. On October 14, 2016, Patent Owner filed a Request for Adverse Judgment, requesting that we cancel claims 1, 37, 43–46 and 48 of the '504 patent, which constitute all of the claims at issue in Case IPR2016-00124. Paper 13.

In Case IPR2016-00137, Petitioner, Volkswagen Group of America, Inc., filed a Petition requesting an *inter partes* review of claims 1, 15, 18, 19, 23, 25, 27, and 28 of U.S. Patent No. 8,682,673 B2 ("the '673 patent"). Paper 2. Patent Owner, West View Research, LLC, did not file a Preliminary Response. On May 13, 2016, we instituted an *inter partes* review as to all of the challenged claims. Paper 6. On October 14, 2016, Patent Owner filed a Request for Adverse Judgment, requesting that we cancel claims 1, 15, 18, 19, 23, 25, 27, and 28 of the '673 patent, which constitute all of the claims at issue in Case IPR2016-00137. Paper 12.

II. DISCUSSION

A party may request adverse judgment against itself at any time. 37 C.F.R. § 42.73(b). Actions construed to be a request for adverse judgment include, among other things, cancellation of a claim such that the party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). In Cases IPR2016-00124 and IPR2016-00137, Patent Owner requests adverse

judgment and the cancellation of all of the claims on which *inter partes* review was instituted. Thus, after the cancellation of the specified claims of the ’504 patent and the specified claims of the ’673 patent, no claims would remain in any of the above-captioned *inter partes* reviews. Under these circumstances, we determine that it is appropriate to grant Patent Owner’s requests and enter judgment in Cases IPR2016-00124 and IPR2016-00137 against Patent Owner under 37 C.F.R. § 42.73(b).

III. ORDER

Accordingly, it is:

ORDERED that Patent Owner’s Request for Adverse Judgment in Case IPR2016-00124 is GRANTED, and judgment is entered against Patent Owner in this case under 37 C.F.R. § 42.73(b) with respect to claims 1, 37, 43–46 and 48 of the ’504 patent;

FURTHER ORDERED that Patent Owner’s Request for Adverse Judgment in Case IPR2016-00137 is GRANTED, and judgment is entered against Patent Owner in this case under 37 C.F.R. § 42.73(b) with respect to claims 1, 15, 18, 19, 23, 25, 27, and 28 of the ’637 patent;

FURTHER ORDERED that claims 1, 37, 43–46 and 48 of the ’504 patent are CANCELLED;

FURTHER ORDERED that claims 1, 15, 18, 19, 23, 25, 27, and 28 of the ’673 patent are CANCELLED; and

FURTHER ORDERED that a copy of this Decision is to be entered into record of Cases IPR2016-00124 and IPR2016-00137.

PETITIONER:

Michael J. Lennon
Clifford A. Ulrich
Kenyon & Kenyon LLP
mlennon@kenyon.com
culrich@kenyon.com

PATENT OWNER:

Peter J. Gutierrez, III
Mark Wang
Gazdzinski & Associates, PC
docket@gazpat.com
mark@gazpat.com