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Paper No. 22
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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.

Case IPR2016-00177
Patent 8,781,839

Before MICHAEL R. ZECHER, KEVIN W. CHERRY, and JASON J. CHUNG, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

I. BACKGROUND

On November 17, 2015, Petitioner, Volkswagen Group of America, Inc. ("Volkswagen"), filed a Petition requesting an *inter partes* review of claims 1, 10, 11, 16, 22, 23, 29, and 35 of U.S. Patent No. 8,781,839 B1 (Ex. 1001, "the '839 patent"). Paper 2. Patent Owner, West View Research Limited Liability Corporation ("West View"), filed a Preliminary Response. Paper 6. On May 13, 2016, we instituted an *inter partes* review as to all of the challenged claims of the '839 patent. Paper 8.

On February 9, 2016, West View filed a Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b). Paper 20 ("Mot."). West View requests that we cancel all of the challenged claims of the '839 patent and, as a consequence, enter adverse judgment against West View in this trial. Mot. 1. For the reasons discussed below, we *grant* West View's 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, cancellation or disclaimer of a claim such that the party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). West View has requested that we cancel claims 1, 10, 11, 16, 22, 23, 29, and 35, which are all of the challenged claims involved in this trial. Given that West View has no remaining claims in this trial, entry of adverse judgment against West View and cancellation of all of the challenged claims of the '839 patent is appropriate.

III. ORDER

In consideration of the foregoing, it is

ORDERED that West View's Request for Adverse Judgement is GRANTED;

ORDERED that adverse judgment is entered against West View with respect to claims 1, 10, 11, 16, 22, 23, 29, and 35 of the '839 patent;

FURTHER ORDERED that claims 1, 10, 11, 16, 22, 23, 29, and 35 of the '839 patent are cancelled;[1] 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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