

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

INNOVATIVE MEMORY SYSTEMS, INC.,
Patent Owner.

Case IPR2016-00327
Patent 7,085,159 B2

Before KARL D. EASTHOM, JAMES B. ARPIN, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

JUDGMENT

Termination of Proceeding
Based on Patent Owner's Request for Adverse Judgment
37 C.F.R. § 42.73(b)

On June 29, 2016, we issued an institution decision instituting trial on claims 1, 5, 11, and 12 of U.S. Patent No. 7,085,159 B2 (Ex. 1001, "the '159 patent"). Paper 8. On September 1, 2016, Innovative Memory Systems, Inc.

(“Patent Owner”) filed a Notice of Cancellation of Claims (Paper 11, “Cancellation Notice”). In the Cancellation Notice, Patent Owner cancelled challenged claims 1, 5, 11, and 12 of the ’159 patent. Cancellation Notice 1. Patent Owner requested that, because these were the only challenged claims in this matter, we terminate this *inter partes* review. *Id.*

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 cancelation of patent claims, such that a party has no remaining claim in the trial. *Id.* § 42.73(b)(2). Patent Owner’s request to cancel claims 1, 5, 11, and 12 of the ’159 patent leaves no claim remaining for trial. Accordingly, entry of judgment adverse to Patent Owner pursuant to 37 C.F.R. § 42.73(b) is appropriate.

Accordingly, it is

ORDERED that Patent Owner’s request for adverse judgment is *granted*;

FURTHER ORDERED that claims 1, 5, 11, and 12 of U.S. Patent No. 7,085,159 B2 are *canceled*;

FURTHER ORDERED that judgment is entered adverse to Patent Owner with respect to claims 1, 5, 11, and 12 of U.S. Patent No. 7,085,159 B2; and

FURTHER ORDERED that this *inter partes* review is *terminated*.

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Patent 7,085,159 B2

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