Trials@uspto.gov
571-272-7822

Paper 12
Entered: April 6, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION and
HOMEAWAY HOLDINGS, INC.,
Petitioner,

v.

A PTY LTD.,
Patent Owner.

Case IPR2016-00644 (Patent 7,010,572 B1)
Case IPR2016-00645 (Patent 7,010,572 B1)

Before PATRICK R. SCANLON, ROBERT J. WEINSCHENK, and CHRISTA P. ZADO, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

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

In IPR2016-00644, RPX Corporation and HomeAway Holdings, Inc. (collectively, "Petitioner") filed a Petition requesting *inter partes* review of claims 1, 2, 5–13, 16–22, 34, 35, and 38–44 of U.S. Patent No. 7,010,572 B1 (Ex. 1001, "the '572 patent"). Paper 3 ("Pet."). A PTY Ltd. ("Patent Owner") filed a Power of Attorney, Paper 7, and Notice of Related Matters, Paper 8, but did not file a Preliminary Response to the Petition. On August 31, 2016, we instituted *inter partes* review of claims 1, 2, 5–13, 16–22, 34, 35, and 38–44. Paper 9. On November 11, 2016, Patent Owner filed a Request that we cancel claims 1, 2, 5–13, 16–22, 34, 35, and 38–44 of the '572 patent, all claims at issue in IPR2016-00644, and enter adverse judgment as to those claims pursuant to 37 C.F.R. § 42.73(b). Paper 11.

In IPR2016-00645, Petitioner filed a Petition requesting *inter partes* review of claims 23, 24, 27–33, and 45–49 of the '572 patent. Paper 3. Patent Owner filed a Power of Attorney, Paper 7, and Notice of Related Matters, Paper 8, but did not file a Preliminary Response to the Petition. On August 31, 2016, we instituted *inter partes* review of claims 23, 24, 27–33, and 45–49. Paper 9. On November 11, 2016, Patent Owner filed a Request that we cancel claims 23, 24, 27–33, and 45–49 of the '572 patent, all claims at issue in IPR2016-00645, and enter adverse judgment as to those claims pursuant to 37 C.F.R. § 42.73(b). Paper 12.

A party may request adverse judgment against itself at any time. 37 C.F.R. § 42.73(b). In IPR2016-00644 and IPR2016-00645, Patent Owner requests cancelation of all claims upon which we instituted *inter partes* review, after which no claims would remain at issue in either proceeding. IPR2016-00644 Paper 11; IPR2016-00645 Paper 12. Under the circumstances presented here, we determine that it is appropriate to grant

Patent Owner's requests to cancel the challenged claims and enter adverse judgment. 37 C.F.R. § 42.73(b).

ORDER

Accordingly, it is:

ORDERED that claims 1, 2, 5–13, 16–24, 27–35, and 38–49 of the '572 patent are canceled;

FURTHER ORDERED that Patent Owner's request for adverse judgment in IPR2016-00644 is *granted*, and adverse judgment is entered against Patent Owner in this proceeding pursuant to 37 C.F.R. § 42.73(b);

FURTHER ORDERED that Patent Owner's request for adverse judgment in IPR2016-00645 is *granted*, and adverse judgment is entered against Patent Owner in this proceeding pursuant to 37 C.F.R. § 42.73(b); and

FURTHER ORDERED that a copy of this Judgment is to be entered into record of IPR2016-00644 and IPR2016-00645.

FOR PETITIONER:

Andrew Sommer
James Lin
WINSTON & STRAWN, LLP
asommer@winston.com
Jalin@winston.com

FOR PATENT OWNER:

Gregory Donahue
Minghui Yang
DINOVO PRICE ELLWANGER & HARDY LLP
gdonahue@dpelaw.com
myang@dpelaw.com