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Paper No. 18
Filed: January 6, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner,

v.

RUBY SANDS LLC
Patent Owner.

Case IPR2016-00723
Patent 6,891,633

Before GEORGIANNA W. BRADEN, and MONICA S. ULLAGADDI, *Administrative Patent Judges*.

ULLAGADDI, *Administrative Patent Judge*.

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

Petitioner, Unified Patents Inc., filed a Petition for *inter partes* review of claims 1–26 of U.S. Patent No. 6,891,633 (Ex. 1001, "the '633 patent"). Paper 1. We instituted an *inter partes* review as to claims 1–18 and 21–26, but not as to claims 19 and 20 of U.S. Patent No. 6,891,633 on August 29, 2016. Paper 7. Petitioner sought rehearing of our decision instituting an *inter partes* review for certain claims but denying institution on other claims. Paper 9. A Decision denying Petitioner's Request for Rehearing was entered on October 24, 2016. Paper 14.

Following our decision instituting an *inter partes* review, Patent Owner, Ruby Sands LLC, did not file a Patent Owner Response. Rather, on December 2, 2016, Patent Owner filed a Motion for Adverse Judgment ("Mot."). Paper 17. Patent Owner notes that, pursuant to 37 C.F.R. § 42.73(b)(2), "[a] party may request judgment against itself at any time during a proceeding." Mot. 1. Patent Owner requests cancellation of claims 1–18 and 21–26 and adverse judgment against itself. Petitioner does not oppose Patent Owner's Motion.

We hereby grant Patent Owner's request for adverse judgment such that no claim remains in the instant proceeding.

ORDER

It is

ORDERED that adverse judgment is entered against Patent Owner as to claims 1–18 and 21–26 of U.S. Patent No. 6,891,633; and

FURTHER ORDERED that claims 1–18 and 21–26 of U.S. Patent No. 6,891,633 are canceled.

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