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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS, CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG SEMICONDUCTOR, INC.,
Petitioner,

v.

RAYTHEON COMPANY,
Patent Owner.

Case IPR2016-00739
Patent 5,591,678

Before JO-ANNE M. KOKOSKI, JENNIFER MEYER CHAGNON, and JEFFREY W. ABRAHAM *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73(b)

I. INTRODUCTION

On September 15, 2016, we instituted an *inter partes* review of claims 1–4 and 8–10 of U.S. Patent No. 5,591,678 ("the '678 patent"). Paper 10 (Institution Decision). On February 1, 2017, Patent Owner, Raytheon

Company ("Raytheon"), filed a Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b). Paper 14. In the Request, Raytheon asks us to cancel claims 1–4 and 8–10 of the '678 patent and to enter an adverse judgment against Raytheon. *Id.* at 2.

II. ANALYSIS

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 cancellation of patent claims such that a party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). Raytheon's request to cancel claims 1–4 and 8–10 of the '678 patent leaves no claim remaining in the trial. Accordingly, entry of adverse judgment against Raytheon pursuant to 37 C.F.R. § 42.73(b) is appropriate.

III. ORDER

Accordingly, it is

ORDERED that Raytheon's Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b) is *granted*;

FURTHER ORDERED that claims 1–4 and 8–10 of U.S. Patent No. 5,591,678 are canceled;

FURTHER ORDERED that adverse judgment is entered against Raytheon with respect to claims 1–4 and 8–10 of U.S. Patent No. 5,591,678; and

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a).

IPR2016-00739
Patent 5,591,678

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