

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner,

v.

SOCKEYE LICENSING TX, LLC,
Patent Owner.

Case IPR2016-00989
Patent 8,135,342 B1

Before BRYAN F. MOORE, ROBERT J. WEINSCHENK, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

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

On November 2, 2016, we instituted an *inter partes* review of claims 1, 3–10, 20, 23, 24, 27–43, 45–53, and 55–57 of U.S. Patent No. 8,135,342 B1 (“the ’342 patent”). Paper 8. On January 20, 2017, Patent Owner, Sockeye Licensing TX, LLC (“Sockeye”), filed a Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b)(2). Paper 12. In the Request,

Sockeye asks us to cancel claims 1, 3–10, 20, 23, 24, 27–43, 45–53, and 55–57 and to enter an adverse judgment against Sockeye. Paper 12, 2.

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).

Sockeye's request to cancel claims 1, 3–10, 20, 23, 24, 27–43, 45–53, and 55–57 of the '342 patent leaves no claim remaining for trial. Accordingly, entry of adverse judgment against Sockeye pursuant to 37 C.F.R. § 42.73(b) is appropriate.

Accordingly, it is

ORDERED that Sockeye's Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b)(2) is *granted*;

FURTHER ORDERED that claims 1, 3–10, 20, 23, 24, 27–43, 45–53, and 55–57 of U.S. Patent No. 8,135,342 B1 are canceled; and

FURTHER ORDERED that adverse judgment is entered against Sockeye with respect to claims 1, 3–10, 20, 23, 24, 27–43, 45–53, and 55–57 of U.S. Patent No. 8,135,342 B1.

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Patent 8,135,342 B1

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