

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AKAMAI TECHNOLOGIES, INC.,
Petitioner,

v.

LIMELIGHT NETWORKS, INC.,
Patent Owner.

Case IPR2017-00356
Patent 8,615,577 B2

Before JUSTIN T. ARBES, GREGG I. ANDERSON, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

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

Petitioner Akamai Technologies, Inc. filed a Petition (Paper 3) requesting *inter partes* review of claims 1, 8, and 11 of U.S. Patent No. 8,615,577 B2 (Ex. 1001, “the ’577 patent”). On June 13, 2017, we instituted an *inter partes* review of claims 1, 8, and 11 on two grounds of unpatentability. Paper 10. Patent Owner Limelight Networks, Inc. did not file a Response by DUE DATE 1 set forth in the Scheduling Order. See Paper 11, 6. On January 3, 2018, Patent Owner filed a Notice (Paper 13) stating that it filed a statutory disclaimer (Ex. 2001) of claims 1, 8, and 11 of the ’577 patent pursuant to 37 C.F.R. § 1.321(a) and stating that Patent Owner “requests adverse judgment against itself in this proceeding.”

Pursuant to 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Cancellation or disclaimer of one or more claims, such that the patent owner has no remaining claim in the trial, is construed to be a request for adverse judgment. 37 C.F.R. § 42.73(b)(2). Patent Owner has disclaimed all of the claims of the ’577 patent on which a trial was instituted in the instant proceeding, such that after the disclaimer, it has no remaining claim in the trial.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s request for adverse judgment under 37 C.F.R. § 42.73(b) is *granted*; and

FURTHER ORDERED that judgment is entered against Patent Owner with respect to claims 1, 8, and 11 of the ’577 patent.

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