

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASTERCARD INTERNATIONAL INCORPORATED,
Petitioner,

v.

WILLIAM GRECIA,
Patent Owner.

Cases IPR2017-00791
Patent 8,533,860 B1

Before JAMESON LEE, MICHAEL W. KIM, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

JUDGMENT

37 C.F.R. § 42.73(b)

On January 27, 2017, Mastercard International Incorporated, (“Petitioner”) filed a Petition (Paper 2) requesting *inter partes* review of claims 1–30 of U.S. Patent No. 8,533,860 B1 (Ex. 1001, “the ’860 patent”). On July 5, 2017, we instituted trial in a Decision with respect to claims 1–8 and 11–20 of the ’860 patent. Paper 7, 49.

On September 18, 2017, William Grecia (“Patent Owner”) contacted the Board to request authorization to file a Motion to Request Adverse Judgment (“Motion”) on all instituted claims 1–8 and 11–20. With the request, Patent Owner also included the instant Motion. The Board grants the request, and for the purposes of expediency, we enter *sua sponte* the included Motion into the record, and consider the Motion at this time.

Under 37 C.F.R. § 42.73(b)(2), a party may request judgment against itself at any time during a proceeding, and cancellation or disclaimer of a claim such that the party has no remaining claim in the trial is an action construed to be a request for entry of adverse judgment. In the circumstances of this case, the filing of a “motion” is not necessary. Patent Owner simply could have filed a request for adverse judgment. The Motion states “Patent Owner respectfully requests judgment against itself as to the claims remaining in this proceeding and asks that the Board cancel claims 1–8 and 11–20.” Motion 1–2. Accordingly, on these facts, we treat the Motion as a request for adverse judgment.

It is

ORDERED that Patent Owner’s Motion is *granted* and the Motion is entered into the record;

FURTHER ORDERED that the request is *granted* and adverse judgment is entered against Patent Owner;

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FURTHER ORDERED that claims 1–8 and 11–20 of U.S. Patent No. 8,533,860 B1 be cancelled; and

FURTHER ORDERED that the *inter partes* review captioned IPR2017-00791 is terminated.

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PETITIONER:

Joseph R. Lanser
Brian Michaelis
David A. Klein
Joseph Walker
SEYFARTH SHAW LLP
jlanser@seyfarth.com
bmichaelis@seyfarth.com
daklein@seyfarth.com
jmwalker@seyfarth.com

PATENT OWNER:

Isaac Rabicoff
RABICOFF LAW LLC
isaac@rabilaw.com