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Paper 15
Entered: July 26, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

ALEX IS THE BEST, LLC,
Patent Owner.

Case IPR2017-02055
Patent 8,947,542 B2

Before DANIEL N. FISHMAN, MINN CHUNG, and JESSICA C. KAISER, *Administrative Patent Judges*.

FISHMAN, *Administrative Patent Judge*.

JUDGMENT

Granting Request for Adverse Judgment After Institution of Trial
35 U.S.C. § 316(a)(4); 37 C.F.R. § 42.73(b)

INTRODUCTION

Google LLC ("Petitioner") filed a Petition requesting *inter partes* review of claims 1, 2, 10, 11, 19, and 20 of U.S. Patent No. 8,947,542 B2 ("the '542 patent," Ex. 1001). Paper 2. Alex Is The Best, LLC ("Patent Owner") filed a Preliminary Response to the Petition. Paper 7. On March 9, 2018, we instituted an *inter partes* review of all challenged claims (1, 2, 10, 11, 19, and 20) of the '542 patent. Paper 8, 32. On June 7, 2018, Patent Owner filed a Request for Adverse Judgment requesting adverse judgment pursuant to 37 C.F.R. § 42.73(b)(2) with respect to all claims that are the subject of this proceeding. Paper 14, 1. Specifically, Patent Owner asserts "Patent Owner has decided to cancel claims 1, 2, 10, 11, 19 and 20 of U.S. Patent No. 8,947,542 ('the '542 patent'), on which IPR2017-02055 was instituted."

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. *See* 37 C.F.R. § 42.73(b). Petitioner has not filed an opposition to Patent Owner's Motion for Adverse Judgment.

Under these circumstances, we determine that the grant of the request for entry of adverse judgment is appropriate. Furthermore, because all claims challenged in this proceeding are cancelled, a Certificate shall issue in due course cancelling the challenged claims under 35 U.S.C. § 318(b).

ORDER

It is ORDERED that Patent Owner's Request for Adverse Judgment under 37 C.F.R. § 42.73(b) with respect to claims 1, 2, 10, 11, 19, and 20 of U.S. Patent No. 8,947,542 B2 is *granted*; and

FURTHER ORDERED that claims 1, 2, 10, 11, 19, and 20 of U.S. Patent No. 8,947,542 B2 shall be *cancelled* under 35 U.S.C. § 318(b).

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