

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NANYA TECHNOLOGY CORP.,
NANYA TECHNOLOGY CORP. U.S.A., and
NANYA TECHNOLOGY CORP. DE
Petitioner,

v.

LONE STAR SILICON INNOVATIONS, LLC
Patent Owner.

Case IPR2018-00064
Patent 5,872,038

Before JENNIFER MEYER CHAGNON, JOHN F. HORVATH, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

ORDER
Entering Adverse Judgment
37 C.F.R. § 42.73

I. INTRODUCTION

Nanya Technology Corp., Nanya Technology Corp. U.S.A., and Nanya Technology Corp. DE (“Petitioner”) filed a Petition (Paper 1, “Pet.”) to institute *inter partes* review of claims 1, 2, 8–11, 14, and 15 (the “challenged claims”) of U.S. Patent No. 5,872,038 (Ex. 1001, “the ’038 patent”). Lone Star Silicon Innovations, LLC¹ (“Patent Owner”) waived its right to file a Preliminary Response. Paper 5, 1. Upon consideration of the Petition, we instituted *inter partes* review of the challenged claims of the ’038 patent. Paper 9, 28.

In a related case,² Patent Owner filed a motion requesting cancellation of claims 1, 2, 8–11, 14, and 15 of the ’038 patent, i.e., cancellation of all of the claims challenged in this proceeding. See Case IPR2017-01630, Paper 11. We granted Patent Owner’s motion in IPR2017-01630, entered adverse judgment against Patent Owner, and ordered the cancellation of claims 1, 2, 8–11, 14, and 15 of the ’038 patent. *Id.*, Paper 13, 3.

II. DISCUSSION

“A party may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b). Under that rule, actions that are construed as a request for adverse judgment include “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial.” 37 C.F.R. § 42.73(b)(2). We construe Patent Owner’s request in IPR2017-

¹ Lone Star Silicon Innovations, LLC also identifies Longhorn IP LLC as a real party-in-interest. Paper 3, 1.

² *Micron Technology, Inc. v. Lone Star Silicon Innovations, LLC*, Case IPR2017-01630 (PTAB).

01630 to cancel claims 1, 2, 8–11, 14, and 15 of the '038 patent, all of the claims challenged in this proceeding, to be a request for adverse judgment against Patent Owner in this proceeding.

Accordingly, in view of Patent Owner's request and our Order in IPR2017-01630 cancelling all of the challenged claims in this proceeding, we enter adverse judgment against Patent Owner and terminate this proceeding. *See* 37 C.F.R. §42.73(b)(2).

III. ORDER

It is:

ORDERED that adverse judgment is entered against Patent Owner with respect to all of Petitioner's challenges of claims 1, 2, 8–11, 14, and 15 of the '038 patent; and

FURTHER ORDERED that this proceeding is *terminated*.

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Patent 5,872,038

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