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Paper 19
Entered: June 26, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ROVI TECHNOLOGIES CORPORATION,
Patent Owner.

Case IPR2019-00284
Patent 9,578,363 B2

Before KARL D. EASTHOM, LYNNE E. PETTIGREW, and KEVIN W. CHERRY, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

JUDGMENT
Granting Patent Owner's Request for Adverse Judgment
37 C.F.R. § 42.73

Petitioner, Comcast Cable Communications, LLC, filed a Petition for *inter partes* review of claims 1–20 of U.S. Patent No. 9,578,363 B2 (Ex. 1001, "the '363 patent"). Paper 2 ("Pet."). Patent Owner, Rovi Technologies Corporation, filed a Preliminary Response. Paper 8 ("Prelim. Resp."). On June 7, 2019, after considering the parties' evidence and arguments, we instituted an *inter partes* review of claims 1–20 of the '363 patent. Paper 16.

On June 25, 2019, Patent Owner filed an unopposed motion for adverse judgment. Paper 18. "To avoid costs and without any admission as to the propriety of any statement in the Petition," Patent Owner requests that the Board cancel claims 1–20 and enter adverse judgment under 37 C.F.R. § 42.73(b). *Id.* at 1.

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 requests cancellation of claims 1–20 of the '363 patent, i.e., all claims at issue in this *inter partes* review, and accordingly requests termination of this proceeding. Paper 16, 1.

It is hereby

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

FURTHER ORDERED that Patent Owner's request to cancel claims 1–20 of U.S. Patent No. 9,578,363 B2 is *granted*; and

FURTHER ORDERED that judgment is entered against Patent Owner with respect to claims 1–20 of U.S. Patent No. 9,578,363 B2, and this proceeding is terminated.

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