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Paper No. 12
Entered: April 24, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.,
Petitioner,

v.

CONTEMPORARY DISPLAY LLC,
Patent Owner.

IPR2019-01163 & IPR2019-01164[1]
Patent 7,809,842 B2

Before THU A. DANG, JONI Y. CHANG, and JOHN A. HUDALLA, *Administrative Patent Judges*.

DANG, Administrative Patent Judge.

JUDGMENT
Granting Request for Adverse Judgment After
Institution of Trial
37 C.F.R. § 42.73(b)

[1] This Judgment applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

Petitioner filed Petitions requesting *inter partes* review of claims 1–9 (IPR2019-01163, Paper 2) and claims 10–20 (IPR2019-01164, Paper 2) of U.S. Patent No. 7,809,842 B2 ("the '842 patent"). Patent Owner filed a Preliminary Response to each Petition. Paper 6.[2] We issued Decisions to Institute an *inter partes* review of all challenged claims of the '842 patent. Paper 9.

On March 12, 2020, the panel held a conference call with the parties to discuss Patent Owner's election not to file a Patent Owner Response in each of these cases. During the conference, the panel authorized Patent Owner to file a motion for adverse judgment in each case. Patent Owner filed a motion in each of the above-identified proceedings requesting adverse judgment. Paper 11 ("Motion"). Patent Owner states that the Motions are unopposed and requests adverse judgment to avoid additional costs associated with continuation of the proceedings. *Id.* at 1–2.

Our rules provide that "[a] party may request judgment against itself at any time during a proceeding." 37 C.F.R. § 42.73(b). We have not yet decided the merits of the proceedings and final written decisions have not been entered in the proceedings.

In the Motions, Patent Owner requests cancellation of claims 1–9 (IPR2019-01163, Paper 11, 2) and claims 10–20 (IPR2019-01164, Paper 11, 2) of the '842 patent. Therefore, no claim would remain challenged in any of the above-identified proceedings. Accordingly, on the record before us, we enter adverse judgment against Patent Owner pursuant to 37 C.F.R. § 42.73(b) in each proceeding and terminate the trials pursuant to 37 C.F.R. § 42.72.

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[2] The paper numbers are identical in IPR2019-01163 and IPR2019-01164.

It is:

ORDERED that Patent Owner's requests for adverse judgment pursuant to 37 C.F.R. § 42.73(b)(2), and cancellation of claims 1–9 (IPR2019-01163) and 10–20 (IPR2019-01164) of the '842 patent are *granted* in the above-identified proceedings;

FURTHER ORDERED that all scheduled Due Dates (see Paper 10) are vacated; and

FURTHER ORDERED that this constitutes a Final Written Decision under 35 U.S.C. § 318(a).

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