

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.

IPR2019-01166
Patent 6,429,903 B1

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

HUDALLA, Administrative Patent Judge.

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

Petitioner filed a Petition requesting *inter partes* review of claims 1–21 of U.S. Patent No. 6,429,903 B1 (“the ’903 patent”). Paper 2. Patent Owner filed a Preliminary Response to the Petition. Paper 6. We issued a Decision to Institute an *inter partes* review of claims 1–21 of the ’903 patent. Paper 9, 38.

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 this case. During the conference, the panel authorized Patent Owner to file a motion for adverse judgment. On April 20, 2020, Patent Owner filed a motion in the above-identified proceeding requesting adverse judgment. Paper 11 (“Motion”). Patent Owner states that the Motion is 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 this case and a final written decision has not yet been entered.

In the Motion, Patent Owner requests cancellation of claims 1–21 of the ’903 patent. Motion at 2. Therefore, no claim would remain challenged in the above-identified proceeding. Accordingly, on the record before us, we enter adverse judgment against Patent Owner pursuant to 37 C.F.R. § 42.73(b) in the above-identified proceeding and terminate its trial pursuant to 37 C.F.R. § 42.72.

It is

ORDERED that Patent Owner’s request for adverse judgment pursuant to 37 C.F.R. § 42.73(b)(2) and cancellation of claims 1–21 of the

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'903 patent is *granted* in the above-identified proceeding;

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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