

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAPTIONCALL, LLC,
Petitioner,

v.

ULTRATEC, INC.,
Patent Owner.

IPR2020-01217
Patent 10,587,751 B2

Before LYNNE E. PETTIGREW, NATHAN A. ENGELS, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

ENGELS, *Administrative Patent Judge*.

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

I. INTRODUCTION

Petitioner, CaptionCall, LLC, filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1, 2, 4–6, 8–22, and 27 of U.S. Patent No. 10,587,751 B2 (Ex. 1001, “the ’751 patent”). Patent Owner, Ultratec, Inc., did not file a Preliminary Response. We instituted *inter partes* review of all challenged claims on all asserted grounds. Paper 6.

After institution, Patent Owner notified the Board that it filed a statutory disclaimer under 37 C.F.R. § 1.321(a) of claims 1, 2, 4–6, 8–22, and 27 of the ’751 patent, which constitute all of the claims at issue in this *inter partes* review. Paper 9. Patent Owner also filed a copy of the disclaimer. Ex. 2001. Having disclaimed all challenged claims, Patent Owner filed a Request for Entry of Adverse Judgment. Paper 9.

II. DISCUSSION

A party may request adverse judgment against itself at any time. 37 C.F.R. § 42.73(b). Here, Patent Owner requests adverse judgment because no claims remain in the trial after Patent Owner’s disclaimer of all the claims challenged in this proceeding. Paper 9, 2; *see* 37 C.F.R. § 42.73(b)(2).

We grant Patent Owner’s request and enter judgment against Patent Owner under 37 C.F.R. § 42.73(b).

III. ORDER

Accordingly, it is:

ORDERED that Patent Owner’s request for adverse judgment is *granted*, and judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b) with respect to claims 1, 2, 4–6, 8–22, and 27 of the ’751 patent.

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