

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUANTUM METRIC, INC., DECIBEL INSIGHT, LTD., and
DECIBEL INSIGHT, INC.,
Petitioner,

v.

CONTENT SQUARE ISRAEL LTD. (f/k/a CLICKTALE LTD.),
Patent Owner.

IPR2021-00416
Patent 10,079,737 B2

Before KARL D. EASTHOM, STEVEN M. AMUNDSON, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

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

In February 2021, Quantum Metric, Inc., Decibel Insight, Ltd., and Decibel Insight, Inc. (collectively “Petitioner”) filed a Petition requesting an *inter partes* review of all claims, i.e., claims 1–20, in U.S. Patent No. 10,079,737 B2 (Ex. 1001, “the ’737 patent”) under 35 U.S.C. §§ 311–319. Paper 3.

In May 2021, Content Square Israel Ltd. (f/k/a Clicktale Ltd.) (“Patent Owner”) filed a Preliminary Response. Paper 12.

In August 2021, we instituted an *inter partes* review of claims 1–20 in the ’737 patent based on all grounds presented in the Petition. Paper 18.

In November 2021, Patent Owner filed a reissue application for the ’737 patent, i.e., U.S. Reissue Patent Application No. 17/520,548. With the reissue application, Patent Owner filed a preliminary amendment cancelling claims 1–20 and adding new claims 21–49.

In November 2021, after filing the reissue application for the ’737 patent and after receiving Board authorization, Patent Owner filed a motion requesting adverse judgment in this proceeding. Paper 21. In its motion, Patent Owner “requests that the Board acknowledge the cancellation of claims 1–20 of the ’737 Patent and enter adverse judgment under 37 C.F.R. § 42.73(b).” *Id.* at 1. Patent Owner represents that Petitioner “takes no position on the relief requested by” Patent Owner. *Id.* at 2.

The Board’s rules provide that “[a] party may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b)(2).

Because Patent Owner requests adverse judgment and Petitioner does not oppose, the entry of judgment adverse to Patent Owner is appropriate.

ORDER

Accordingly, it is

ORDERED that adverse judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b) and this proceeding is terminated.

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