

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

INVINCIBLE IP LLC,
Patent Owner.

IPR2022-00122
Patent 9,678,774 B2

Before LYNNE E. PETTIGREW, BARBARA A. PARVIS, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

JUDGMENT

Granting Request for Adverse Judgment After Institution of Trial
Dismissing Petitioner's Request for Oral Argument
37 C.F.R. §§ 42.70(a), 42.73(b)

I. DISCUSSION

Unified Patents, LLC (“Petitioner”) filed a Petition (Paper 1) requesting an *inter partes* review of claims 1, 3–11, and 14–18 (“challenged claims”) of U.S. Patent No. 9,678,774 B2 (Ex. 1001, “the ’774 patent”) pursuant to 35 U.S.C. §§ 311–319. Invincible IP LLC (“Patent Owner”) did not file a Preliminary Response.

On April 15, 2022, we instituted an *inter partes* review of the challenged claims of the ’774 patent. Paper 8. Subsequently, Patent Owner filed a Patent Owner Response (Paper 10) and Petitioner filed a Reply (Paper 15). Patent Owner did not file a sur-reply. On December 5, 2022, Petitioner filed a Request for Oral Argument. Paper 17. Patent Owner did not request oral argument.

On January 3, 2023, with our authorization, Patent Owner filed a Request for Adverse Judgment, Paper 18. Patent Owner states the following:

Patent Owner Invincible IP LLC (“Patent Owner” or “Invincible”), pursuant to 37 CFR §42.73(b), respectfully requests the Board enter adverse judgment on all grounds (Grounds 1-3) raised by Petitioner in the Petition. Patent Owner has conferred with Petitioner, and Petitioner does not oppose Patent Owner’s request. Patent Owner notes that the basis for its request, without limitation, is that it is abandoning the contest, pursuant to 37 CFR §42.73(b)(4).

Id.

Patent Owner states that “it is abandoning the contest, pursuant to 37 CFR §42.73(b)(4).” *Id.* Under these circumstances, we determine that entry of judgment against Patent Owner is appropriate.

II. ORDER

Accordingly, it is hereby:

ORDERED that Patent Owner's request (Paper 18) is *granted* and adverse judgment is entered against Patent Owner under 37 C.F.R.

§ 42.73(b) with respect to claims 1, 3–11, and 14–18 of the '774 patent;

FURTHER ORDERED that Petitioner's request for oral argument (Paper 17) is dismissed as moot;

FURTHER ORDERED that this proceeding is terminated; and

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

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