

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA MOBILITY LLC,
Petitioner,

v.

LARGAN PRECISION CO., LTD.,
Patent Owner.

IPR2022-01172
Patent 10,564,397 B2

Before JON M. JURGOVAN, NORMAN H. BEAMER, and
JOHN D. HAMANN, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

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

I. BACKGROUND

On January 26, 2023, the Board instituted an *inter partes* review of claims 1–4, 6, and 9 of U.S. Patent No. 10,564,397 B2 (“the ’397 patent”). Paper 10.

On June 21, 2023, Patent Owner Largan Precision Co. Ltd. informed the Board that it has filed a disclaimer in the prosecution file of the ’397 patent, disclaiming claims 1–4, 6 and 9 specifically challenged in this trial. Ex. 3001. Patent Owner states that it has no remaining claims in this trial, and understands that judgment will issue accordingly pursuant to 37 CFR 42.73. *Id.* Patent Owner has filed the disclaimer as Exhibit 2029.

II. DISCUSSION

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed as a request for entry of adverse judgment include “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial.” *Id.* Patent Owner has disclaimed, under 37 C.F.R. § 1.321(a), claims 1–4, 6, and 9 of the ’397 patent, and explicitly requests that the Board enter adverse judgment against it with respect to claims 1–4, 6, and 9, the only claims at issue in this trial. Ex. 3001.

Based on Patent Owner’s communication, and our review of Exhibit 2029, we determine that entry of judgment against Patent Owner with respect to claims 1–4, 6, and 9 of the ’397 patent is appropriate.

III. ORDER

Accordingly, it is

ORDERED that adverse judgment is entered under 37 C.F.R. § 42.73(b) against Patent Owner with respect to claims 1–4, 6, and 9 of the '397 patent;

FURTHER ORDERED that all scheduled Due Dates (*see* Paper 12) are vacated; and

FURTHER ORDERED that this Order constitutes a final written decision under 35 U.S.C. § 318(a).

FOR PETITIONER:

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