

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

DDC TECHNOLOGY, LLC,
Patent Owner.

IPR2023-00710
Patent 11,093,000 B2

Before KALYAN K. DESHPANDE, *Acting Deputy Chief Administrative Patent Judge*, SHEILA F. McSHANE, and JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

DECISION

Denying Institution of *Inter Partes* Review
Due to Disclaimer of All Challenged Claims
35 U.S.C. § 314; 37 C.F.R. § 42.107(e)

I. BACKGROUND

On March 29, 2023, Google LLC (“Petitioner”) filed a Petition (Paper 2, “Pet.”) pursuant to 35 U.S.C. §§ 311–319 for institution of *inter partes* review of claims 1–6 and 8–33 of U.S. Patent No. 11,093,000, B2 (“the ‘000 patent”). *See* Pet. 1, 7.

DDC Technology, LLC (“Patent Owner”) filed a Preliminary Response indicating that it had filed with the USPTO a disclaimer of all challenged claims and requested that the Petition be dismissed. Paper 12 (“Prelim. Resp.”), 1. Patent Owner filed a Notice Regarding Disclaimed Claims, which includes a corrected Disclaimer in a Patent Under 37 C.F.R. § 1.321(a) that disclaims claims 1–6 and 8–33 of the ‘000 patent. *See* Ex. 2003 (filed on October 4, 2023) (“Disclaimer”); Paper 16.

For the following reasons, we *deny inter partes* review in view of the disclaimer of all the challenged claims.

II. ANALYSIS

When a patent owner properly records a disclaimer of all patent claims challenged in a petition, no *inter partes* review is instituted. *See Gen. Elec. Co. v. United Techs. Co.*, IPR2017-00491, Paper 9 (PTAB July 6, 2017) (precedential); *see also* 37 C.F.R. § 42.107(e) (“The patent owner may file a statutory disclaimer under 35 U.S.C. [§] 253(a) in compliance with § 1.321(a) of this chapter, disclaiming one or more claims in the patent. No *inter partes* review will be instituted based on disclaimed claims.”).

We conclude the record presently before us demonstrates that Patent Owner has disclaimed claims 1–6 and 8–33 of the ‘000 patent. The record

reflects that the Disclaimer was filed and received by the USPTO on October 4, 2023. *See* Ex. 2003, 3–6. The form of the Disclaimer was signed by a registered patent attorney representing Patent Owner, DDC Technology, LLC. *See id.* at 3. The form identifies Patent Owner as having a “100% Ownership Interest” in the ’000 patent, and identifies claims 1–6 and 8–33 as being disclaimed. *See id.* Payment of the required fee is indicated in the Electronic Acknowledgement Receipt. *See id.* at 1, 5–6.

Accordingly, Patent Owner has met the requirements for an effective disclaimer of all challenged claims under 35 U.S.C. § 253 and 37 C.F.R. § 1.321(a). Thus, in view of the disclaimer of all challenged claims, institution of *inter partes* review is denied.

III. ORDER

In consideration of the foregoing, it is hereby ORDERED that institution of *inter partes* review is *denied*.

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