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Paper 12
Date: December 3, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

BUFFALO PATENTS, LLC,
Patent Owner.

IPR2023-01387
Patent 8,204,737 B2

Before JAMESON LEE, MAHSHID D. SAADAT, and CHRISTOPHER L. OGDEN, *Administrative Patent Judges.*

SAADAT, *Administrative Patent Judge*.

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

I. Introduction

On September 9, 2024, we issued an order (Paper 10, "Show Cause Order") for Patent Owner to show cause, within 10 days, why its statutory disclaimer of all challenged claims 1–16 and 19 (Ex. 3001) should not be treated as a request for adverse judgment and why adverse judgment should not be entered against Patent Owner. The Show Cause Order stated: "in the absence of any such submission by Patent Owner to show cause within the specified time period, the filed statutory disclaimer will be construed as a request by Patent Owner for adverse judgment under § 42.73(b)(2)." Paper 10, 2.

Patent Owner has not file any response to the Show Cause Order.

II. Discussion

Per 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Also, actions which are construed to be a request for adverse judgement include "[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial." *Id.* at § 42.73(b)(2). With the filing by Patent Owner of a statutory disclaimer of all challenged claims 1–16 and 19 in this proceeding, there are no remaining claims in this trial.

Because Patent Owner did not respond to the Show Cause Order, we construe Patent Owner's statutory disclaimer of all challenged claims 1–16 and 19 as a request for entry of adverse judgment against Patent Owner.

The request is *granted*.

III. Order

It is

ORDERED that adverse judgment is herein entered against Patent Owner under 37 C.F.R. § 42.73(b)(2).

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