

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

PROXENSE, LLC,
Patent Owner.

IPR2024-00775
Patent 8,352,730 B2

Before THU A. DANG, KEVIN F. TURNER, and DAVID C. McKONE,
Administrative Patent Judges.

McKONE, *Administrative Patent Judge.*

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

Microsoft Corp. (“Petitioner”) filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–17 of U.S. Patent No. 8,352,730 B2 (Ex. 1001, “the ’730 patent”). Pet. 1. Proxense, LLC (“Patent Owner”) filed a Preliminary Response (Paper 8, “Prelim. Resp.”). We instituted a trial on November 18, 2024. Paper 9.

Patent Owner “requests adverse judgement in IPR2024-00775 based on the concessions of unpatentability made when Patent Owner authorized entry of the Examiner’s amendment in EPR 90/015,052.” Paper 14, 1. “Patent Owner has conceded the unpatentability of the claims at issue in this proceeding by authorizing entry of the Examiner’s amendment in EPR 90/015,052. As such, Patent Owner requests adverse judgment pursuant to 42.73(b)(3).” *Id.* Petitioner responds, “[i]n view of the representations and information provided to Microsoft during the meet and confer including Proxense’s email to Microsoft on April 10, 2025, Microsoft does not object to Proxense’s request for adverse judgement.” Ex. 3001.

Rule 47.73(b)(3) provides that “[a] party may request adverse judgment against itself at any time during a proceeding” and that “[a]ctions construed to be a request for adverse judgment include . . . [c]oncession of unpatentability . . . of the contested subject matter.” 37 C.F.R. § 42.73(b)(3). We grant Patent Owner’s request for adverse judgment.

I. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that adverse judgement is hereby entered against Patent Owner pursuant to 37 C.F.R. § 42.73(b) with respect to claims 1–17 of U.S. Patent No. 8,352,730 B2;

FURTHER ORDERED that claims 1–17 of U.S. Patent No. 8,352,730 B2 are cancelled;

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

FURTHER ORDERED that, pursuant to 37 C.F.R. § 42.73(d)(3), Patent Owner shall not take any action inconsistent with this adverse judgment, including obtaining in any patent a claim that is not patentably distinct from the cancelled claims in this proceeding; and

FURTHER ORDERED that this proceeding is terminated.

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Patent 8,352,730 B2

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