Trials@uspto.gov
571-272-7822

Paper 15
Entered: May 21, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

138 EAST LCD ADVANCEMENTS LIMITED,
Patent Owner.

IPR2024-00956
Patent 8,355,574 B2

Before KRISTEN L. DROESCH, GEORGE R. HOSKINS, and BRIAN P. MURPHY, *Administrative Patent Judges.*

MURPHY, *Administrative Patent Judge.*

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

Google LLC ("Petitioner") filed a Petition pursuant to 35 U.S.C. § 311 requesting institution of *inter partes* review of claims 1–12 of U.S. Patent No. 8,355,574 B2 (Ex. 1001; "the '574 patent"). Paper 1 ("Pet."). 138 East LCD Advancements Limited ("Patent Owner") timely filed a Patent Owner Preliminary Response. Paper 6 ("Prelim. Resp."). On January 10, 2025, we instituted *inter partes* review of claims 1–12 of the '574 patent. Paper 7.

The Scheduling Order set March 28, 2025, as the due date for Patent Owner to file a Response to the Petition. Paper 8, 12. On March 20, 2025, the parties entered a stipulation to modify the due dates for Patent Owner's Response to the Petition, Petitioner's Reply, and Patent Owner's Sur-Reply. Paper 11. Patent Owner's Response was due May 9, 2025, but no Response was filed.

On May 7, 2025, Patent Owner filed a statutory disclaimer under 37 C.F.R. § 1.321(a) disclaiming all of the claims at issue in this proceeding, namely, claims 1–12 of the '574 Patent. Ex. 2002; *see also* Paper 14, 2 (citing 37 C.F.R. § 1.321(a)). On May 16, 2025, Patent Owner filed a Request For Adverse Judgment stating that Patent Owner "requests judgment against itself under 37 C.F.R. § 42.73(b)(2), with respect to claims 1-12" of the '574 patent. Paper 14, 2. Such a "disclaimer is binding upon the grantee and its successors or assigns." 37 C.F.R. § 1.321(a). Pursuant to our rules, "[a] party may request judgment against itself at any time during a proceeding," which includes "[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial." 37 C.F.R. § 42.73(b)(2). *See Arthrex, Inc. v. Smith & Nephew, Inc.*, 880 F.3d 1345, 1350 (Fed. Cir. 2018) ("there is no claim remaining for trial . . . when, as here, all of the challenged claims have been cancelled").

For the reasons given above, we grant Patent Owner's Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b)(2).

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner's Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b)(2) is *granted*; and

FURTHER ORDERED that adverse judgment is entered against Patent Owner with respect to claims 1–12 of the '574 patent.

For PETITIONER:

Erika Harmon Arner
Daniel C. Cooley
Kevin D. Rodkey
Robert K. High
Alissa E. Green
Safiya Aguilar
Grace K. Mills
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
erika.arner@finnegan.com
daniel.cooley@finnegan.com
kevin.rodkey@finnegan.com
robert.high@finnegan.com
alissa.green@finnegan.com
safiya.aguilar@finnegan.com
gracie.mills@finnegan.com
Google-Longitude-IPRs@finnegan.com

For PATENT OWNER:

Cyrus A. Morton
Samuel J. LaRoque
ROBINS KAPLAN LLP
cmorton@robinskaplan.com
slaroque@robinskaplan.com