

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

138 EAST LCD ADVANCEMENTS LIMITED,
Patent Owner.

IPR2024-00961
Patent 7,945,109 B2

Before KRISTEN L. DROESCH, GEORGE R. HOSKINS, and
KEVIN C. TROCK, *Administrative Patent Judges*.

DROESCH, *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 1–3 of U.S. Patent No. 7,945,109 B2 (Ex. 1001, “the ’109 Patent”). Paper 1. 138 East LCD Advancements Limited (“Patent Owner”) timely filed a Patent Owner Preliminary Response. Paper 6. On January 6, 2025, we instituted *inter partes* review of claims 1–3 of the ’109 Patent. Paper 7.

The Scheduling Order set March 31, 2025, as the due date for Patent Owner to file a response to the Petition. Paper 8, 11. On March 30, 2025, the parties entered a stipulation to modify the due dates for a response to the Petition, reply, and sur-reply. Paper 11. Patent Owner’s response was due May 16, 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 1–3 of the ’109 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 1-3” of the ’109 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”).

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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) is *granted*; and

FURTHER ORDERED that judgment is entered against Patent Owner with respect to claims 1–3 of the '109 Patent.

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