

IPR2025-00097
U.S. Patent No. 11,835,394

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

ECOFACITOR, INC.
Patent Owner.

Case IPR2025-00097
U.S. Patent No. 11,835,394

PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT
37 C.F.R. § 1.321(a)
37 C.F.R. § 42.73(b)

IPR2025-00097
U.S. Patent No. 11,835,394

EXHIBIT LIST

Exhibit No.	Exhibit Description
2001	Patent Owner's Statutory Disclaimer Under 37 C.F.R. § 1.321

Patent Owner EcoFactor, Inc. (“Patent Owner” or “EcoFactor”) requests judgment against itself under 37 C.F.R. § 42.73(b)(2), with respect to claims 1-18 of U.S. Patent No. 11,835,394 (“’394 Patent”).

A party before the Board “may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b). “Cancellation or disclaimer of a claim such that the party has no remaining claim in the trial” constitutes a request for adverse judgment. 37 C.F.R. § 42.73(b)(2). *See Captioncall, L.L.C. v. Ultratec, Inc.*, IPR2015-01886, Paper 39 at 2 (PTAB June 9, 2016) (granting request for adverse judgment under 37 C.F.R. § 42.73(b)(2) after institution of trial).

Patent Owner has no remaining claims in this *inter partes* review. On August 11, 2025, Patent Owner filed a statutory disclaimer under 37 C.F.R. § 1.321(a) disclaiming all remaining claims at issue in this proceeding, namely claims 1-18 of the ’394 Patent. Ex. 2001. Patent Owner did so because a Northern District of California court recently issued a decision finding all claims of the ’394 Patent invalid for lack of patent-eligible subject matter under 35 U.S.C. § 101. EcoFactor disagrees with that decision and disputes the merits of Petitioner’s arguments in this IPR proceeding. Nonetheless, given Patent Owner’s statutory disclaimer obviating the need for further proceedings in IPR2025-00097, Patent Owner seeks adverse judgment in this proceeding.

Accordingly, this Board should grant Patent Owner's request for judgment against itself under 37 C.F.R. § 42.73(b)(2) with respect to claims 1-18 of the '394 Patent.

Dated: August 15, 2025

Respectfully submitted,

/ Reza Mirzaie /

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on August 15, 2025, by filing this document through the Patent Review E2E system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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