

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUXOTTICA OF AMERICA, INC.,
Petitioner,

v.

E-VISION SMART OPTICS, INC.,
Patent Owner.

IPR2025-01512
Patent 11,971,612 B2

Before CHRISTOPHER M. KAISER, MICHELLE N. WORMMEESTER,
and ARTHUR M. PESLAK, *Administrative Patent Judges*.

PESLAK, *Administrative Patent Judge*.

JUDGMENT

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

Petitioner filed a Petition (Paper 2, “Pet.”) requesting *inter partes* review of claims 1–27 of U.S. Patent No. 11,971,612 B2 (Ex. 1001, “the ’612 patent”). *See* Pet. 1. On February 24, 2026, the Director granted institution of *inter partes* review. *See* Paper 11.

On June 17, 2026, with our authorization, Patent Owner filed a Request for Adverse Judgment against itself under 37 C.F.R. § 42.73(b)(2), with respect to claims 1–27 of the ’612 patent. *See* Paper 14. Patent Owner “abandons the contest” and “requests adverse judgment as to claims 1–27 of the ’612 patent and consequent termination of this proceeding under 37 C.F.R. § 42.73(b).” *Id.* at 2. Patent Owner did not file a Patent Owner Response. *Id.* Patent Owner indicates that Petitioner does not oppose the request. *Id.*

A party may request entry of adverse judgment against itself at any time during an *inter partes* review proceeding. *See* 37 C.F.R. § 42.73(b).

Under these circumstances, entry of judgment adverse to the Patent Owner is appropriate as to claims 1–27 of the ’612 patent. Consequently, we grant Patent Owner's request for adverse judgment.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s Request for Adverse Judgment, Paper 14, is *granted* and adverse judgment is entered against Patent Owner with respect to claims 1–27 of the ’612 patent;

FURTHER ORDERED that claims 1–27 of the '612 patent are *cancelled*;¹

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, IPR2026-01512, is *terminated* and all scheduled Due Dates (*see* Paper 12) are vacated;

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

FURTHER ORDERED that, because this is a Final Written Decision, parties to this proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

¹ *See* 37 C.F.R. § 42.80 (indicating that, after the Board issues a final written decision in an *inter partes* review proceeding, the Office will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable).

IPR2026-01512
Patent 11,971,612 B2

FOR PETITIONER:

Ali Razai
Jacob Peterson
Peter Loderup
MORGAN, LEWIS & BOCKIUS LLP
ali.razai@morganlewis.com
jacob.peterson@morganlewis.com
peter.loderup@morganlewis.com

FOR PATENT OWNER:

Matthew Smith
Elizabeth Laughton
SMITH BALUCH LLP
smith@smithbaluch.com
laughton@smithbaluch.com

Christopher Colice
COOLEY LLP
mcolice@cooley.com