

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

SITNET LLC,
Patent Owner.

IPR2026-00100
Patent 10,117,290 B1

Before THU A. DANG, MEREDITH C. PETRAVICK, and
STEPHEN E. BELISLE, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

JUDGMENT

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

I. DISCUSSION

Meta Platforms, Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–14 (the “challenged claims”) of U.S. Patent No. 10,117,290 B1 (Ex. 1001, “the ’290 patent”). Paper 1 (“Petition” or “Pet.”). In response to the Petition, the Director instituted *inter partes* review (IPR) of the challenged claims. *See* Paper 12 (“Dec. Inst.”).

After institution, SitNet LLC (“Patent Owner”) emailed the Board requesting authorization to file a motion to terminate *inter partes* review because it had filed a disclaimer of all claims of the ’290 patent, such that no claim remains in this trial. *See* Exs. 3001, 3002. Patent Owner requests that its disclaimer not be treated as a request for adverse judgment because “it was filed to conserve the limited resources of the Board and the Parties in light of the fact that the ’290 Patent is no longer involved in any copending litigation.” Ex. 3001.

Patent Owner contends that Petitioner opposes Patent Owner’s request. *Id.* According to Patent Owner, Petitioner requests that the Board instead enter adverse judgment because:

Pursuant to 37 C.F.R. § 42.73(b)(2), the Board construes disclaimer of a claim such that the party has no remaining claim in the trial, as here, as a request for adverse judgment. Petitioner also refers the Board to the following Board decisions, which have held that such a disclaimer should be treated as a request for adverse judgment: IPR2025-00702 (Paper 18), IPR2024-01315 (Paper 37), and IPR2023-00739 (Paper 57). Accordingly, termination without adverse judgment is not appropriate.

Id.

We determine that Petitioner has the better position. Pursuant to 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time

during a proceeding. “Actions construed to be a request for adverse judgment include: . . . [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). “The application of the [adverse judgment] rule on its face does not turn on the patentee’s characterization of its own request.” *Arthrex, Inc. v. Smith & Nephew, Inc.*, 880 F.3d 1345, 1349 (Fed. Cir. 2018).

In this case, Patent Owner’s disclaimer of all claims of the ’290 patent leaves no claims remaining in the trial. Although Patent Owner argues that “it was filed to conserve the limited resources of the Board and the Parties in light of the fact that the ’290 Patent is no longer involved in any copending litigation” (Ex. 3001), we deem such argument not a persuasive reason as to why we should not apply § 42.73(b)(2), or why termination is more appropriate.

Pursuant to 37 C.F.R. § 42.73(b)(2), we construe Patent Owner’s disclaimer of all claims at trial as a request for adverse judgment, which we grant.

II. ORDER

Accordingly, it is

ORDERED that adverse judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b).

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