

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BANK OF AMERICA, N.A.,
PNC FINANCIAL SERVICES GROUP, INC., and PNC BANK, N.A.,
Petitioners,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case CBM2014-00031
Patent 6,182,894

Before THOMAS L. GIANNETTI, HYUN J. JUNG, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

JUDGMENT AND FINAL WRITTEN DECISION
35 U.S.C. § 328(a) and 37 C.F.R. § 42.73(b)

BACKGROUND

The petition sought review of claims 1-18 of U.S. Patent 6,182,894. Paper 1. A covered business patent review trial was instituted as to challenged claims 10-18. Paper 14.

Patent Owner has filed a motion to amend, cancelling all claims on which trial was instituted. Paper 19. Petitioner has advised the Board that it does not oppose the amendment.

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Cancellation or disclaimer of a claim such that a party has no remaining claims in the trial is an action construed as a request for adverse judgment. *Id.* § 42.73(b)(2).

Here, Patent Owner has moved to cancel each claim for which review is sought. Paper 19 at 3. The motion is unopposed. Under these circumstances, the entry of judgment adverse to the Patent Owner and cancellation of the claims as requested is appropriate.

CONCLUSION

Patent Owner's request for entry of adverse judgment is *granted*.

It is, therefore,

ORDERED that Patent Owner's motion to amend is granted;

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

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 328(a); and

FURTHER ORDERED that claims 10-18 of U.S. Patent 6,941,543 will be cancelled.

Case CBM2014-00031
Patent 6,182,894

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