

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC., DISH NETWORK L.L.C., and  
DIRECTV, LLC,  
Petitioners,

v.

QURIO HOLDINGS, INC.,  
Patent Owner.

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Cases

IPR2015-01940 (Petitioner UNIFIED PATENTS INC.)  
IPR2016-00005 (Petitioner DISH NETWORK L.L.C.)  
IPR2016-00993 (Petitioner DIRECTV, LLC )  
Patent 8,102,863 B1

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Before BARBARA A. BENOIT, KERRY BEGLEY, and  
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

JUDGMENT  
Granting Request for Adverse Judgment  
37 C.F.R. § 42.73(b)

## I. BACKGROUND

In *Unified Patents Inc. v. Qurio Holdings, Inc.*, Case IPR2015-01940, Petitioner, Unified Patents Inc., filed a corrected Petition for *inter partes* review of claims 1–15 and 17–21 of U.S. Patent No. 8,102,863 B1 (“the ’863 patent”). Paper 5. Patent Owner, Qurio Holdings, Inc., filed a Preliminary Response. Paper 6. On April 13, 2016, we instituted an *inter partes* review of all of the challenged claims. Paper 7. On July 13, 2016, Patent Owner filed a Request for Adverse Judgment, asking the Board to cancel claims 1–15 and 17–21 of the ’863 patent, which constitute all of the claims at issue in IPR2015-01940. Paper 10.

In *DISH Network L.L.C. v. Qurio Holdings, Inc.*, Case IPR2016-00005, Petitioner, DISH Network L.L.C., filed a Petition for *inter partes* review of claims 17, 18, 20, and 21 of the ’863 patent. Paper 1. Patent Owner filed a Preliminary Response. Paper 5. On April 4, 2016, we instituted an *inter partes* review of all of the challenged claims. Paper 6. On July 13, 2016, Patent Owner filed a Request for Adverse Judgment, asking the Board to cancel claims 17, 18, 20, and 21 of the ’863 patent, which constitute all of the claims at issue in IPR2016-00005. Paper 10.

In *DIRECTV, LLC v. Qurio Holdings, Inc.*, Case IPR2016-00993, Petitioner, DIRECTV, LLC, filed a Petition for *inter partes* review of claims 17, 18, 20, and 21 of the ’863 patent. Paper 2. Petitioner concurrently filed a Motion for Joinder requesting joinder of IPR2016-00993 with IPR2016-00005. Paper 3. Patent Owner, Qurio Holdings, Inc., filed a Preliminary Response. Paper 9. On July 13, 2016, Patent Owner filed a Request for Adverse Judgment, asking the Board to cancel claims 17, 18, 20,

Cases IPR2015-01940, IPR2016-00005, IPR2016-00993  
Patent 8,102,863 B1

and 21 of the '863 patent, which constitute all of the claims at issue in IPR2016-00993. Paper 10.

## II. DISCUSSION

A party may request adverse judgment against itself at any time. 37 C.F.R. § 42.73(b). In IPR2015-01940, IPR2016-00005, and IPR2016-00993, Patent Owner requests adverse judgment and the cancellation of all of the claims on which *inter partes* review was instituted (IPR2015-01940 and IPR2016-00005) or petitioned (IPR2016-00993). Thus, after the cancellation of the specified claims of the '863 patent, no claims would remain in any of the above-captioned *inter partes* reviews. Under these circumstances, the Requests for Adverse Judgment are appropriate. Therefore, we grant Patent Owner's requests and enter judgment in IPR2015-01940, IPR2016-00005, and IPR2016-00993 against Patent Owner under 37 C.F.R. § 42.73(b).

## III. ORDER

Accordingly, it is:

ORDERED that Patent Owner's Request for Adverse Judgment in IPR2015-01940 is granted, and judgment is entered against Patent Owner in IPR2015-01940 under 37 C.F.R. § 42.73(b) with respect to claims 1–15 and 17–21 of the '863 patent;

FURTHER ORDERED that Patent Owner's Request for Adverse Judgment in IPR2016-00005 is granted, and judgment is entered against Patent Owner in IPR2016-00005 under 37 C.F.R. § 42.73(b) with respect to claims 17, 18, 20, and 21 of the '863 patent;

Cases IPR2015-01940, IPR2016-00005, IPR2016-00993  
Patent 8,102,863 B1

FURTHER ORDERED that Patent Owner's Request for Adverse Judgment in IPR2016-00993 is granted, and judgment is entered against Patent Owner in IPR2016-00993 under 37 C.F.R. § 42.73(b) with respect to claims 17, 18, 20, and 21 of the '863 patent;

FURTHER ORDERED that DIRECTV, LLC's Petition (Paper 2) and Motion for Joinder (Paper 3) filed in IPR2016-00993 are dismissed as moot;

FURTHER ORDERED that claims 1–15 and 17–21 of U.S. Patent No. 8,102,863 B1 are CANCELLED; and

FURTHER ORDERED that a copy of this Decision is to be entered into the file of Cases IPR2015-01940, IPR2016-00005, and IPR2016-00993.

Cases IPR2015-01940, IPR2016-00005, IPR2016-00993  
Patent 8,102,863 B1

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