

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCT MOBILE, INC. AND TCT MOBILE (US) INC.,
Petitioners,

v.

WIRELESS PROTOCOL INNOVATIONS, INC.,
Patent Owner.

Case IPR2016-01492
Patent 6,381,211 C1

Before KEVIN F. TURNER, MITCHELL G. WEATHERLY, and
KAMRAN JIVANI, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

JUDGMENT

35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

On February 13, 2017, we instituted this *inter partes* review of claims 11, 13–15, 19–24, and 26–28 of U.S. Patent No. 6,381,211 C1 (“the ’211 patent”). Paper 7, 14. Our Decision on Rehearing did not alter which claims were subject to *inter partes* review. Paper 13, 10. On May 4, 2017,

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with our authorization,¹ Patent Owner filed a motion for adverse judgment pursuant to 37 C.F.R. § 42.73(b). Paper 14 (“the Motion” or “Mot.”). Patent Owner indicated that Petitioner does not oppose the Motion. Mot. 1. Patent Owner “requests judgment against itself, and asks that the Board cancel . . . claims 11, 13–15, 19–24, and 26–28 of the ’211 Patent.” *Id.* Therefore, Patent Owner seeks cancellation of all claims pending in this proceeding.

Upon consideration of Patent Owner’s unopposed Motion, we conclude that judgment against Patent Owner is warranted on all claims before us in this proceeding. Accordingly, we grant the Motion and enter this judgment pursuant to 37 C.F.R. § 42.73(b)(3),² which constitutes a final written decision pursuant to 35 U.S.C. § 318(a) to cancel claims 11, 13–15, 19–24, and 26–28 of the ’211 patent.

For the reasons stated above, it is:

ORDERED that Patent Owner Wireless Protocol Innovations, Inc.’s Motion for Adverse Judgment Pursuant to 37 C.F.R. § 42.73(b) is *granted*;

FURTHER ORDERED that claims 11, 13–15, 19–24, and 26–28 of U.S. Patent No. 6,381,211 C1 are *unpatentable* and shall be *cancelled*; and

FURTHER ORDERED that because this is a final written decision pursuant to 35 U.S.C. § 318(a), any party to this proceeding seeking judicial

¹ The Board authorized the motion for adverse judgment in an e-mail dated May 3, 2017.

² Patent Owner specifically identifies 37 C.F.R. § 42.73(b)(2) as the basis for its request for adverse judgment. Mot. 1. Because that subsection of Rule 42.73(b) addresses “cancellation or disclaimer” of claims, neither of which has yet occurred, we interpret the Motion as a concession of unpatentability of the claims at issue as set forth in Rule 42.73(b)(3).

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review of our Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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