

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

WIRELESS PROTOCOL INNOVATIONS, INC.,  
Patent Owner.

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Case IPR2016-01700  
Patent 6,381,211 C1

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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 March 3, 2017, we instituted this *inter partes* review of claims 29, 34, 74, 76, 82, 84, 85, 88–90, 92, 94, 95, 97–100, 103–105, 143, 147, 152–156, 158, 159, 161, 162, 164, 166, and 167 of U.S. Patent No. 6,381,211 C1 (“the ’211 patent”). Paper 7, 20. On May 4, 2017, with our authorization,<sup>1</sup>

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

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Patent Owner filed a motion for adverse judgment pursuant to 37 C.F.R. § 42.73(b). Paper 10 (“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 29, 34, 74, 76, 82, 84, 85, 88–90, 92, 94, 95, 97–100, 103–105, 143, 147, 152–156, 158, 159, 161, 162, 164, 166, and 167 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),<sup>2</sup> which constitutes a final written decision pursuant to 35 U.S.C. § 318(a) to cancel claims 29, 34, 74, 76, 82, 84, 85, 88–90, 92, 94, 95, 97–100, 103–105, 143, 147, 152–156, 158, 159, 161, 162, 164, 166, and 167 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 29, 34, 74, 76, 82, 84, 85, 88–90, 92, 94, 95, 97–100, 103–105, 143, 147, 152–156, 158, 159, 161, 162, 164, 166, and 167 of U.S. Patent No. 6,381,211 C1 are *unpatentable* and shall be *cancelled*; and

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<sup>2</sup> 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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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 review of our Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

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