

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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XILINX, INC.,  
Petitioner,

v.

GODO KAISHA IP BRIDGE 1,  
Patent Owner.

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IPR2017-00844  
Patent 6,653,731 B2

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Before MICHAEL J. FITZPATRICK, JENNIFER MEYER CHAGNON,  
and SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

JUDGMENT

Granting Patent Owner's Adverse Judgment Request  
After Institution of Trial  
*37 C.F.R. § 42.73(b)*

## I. BACKGROUND

Xilinx, Inc. (“Petitioner”) requested *inter partes* review of claim 5 of U.S. Patent 6,653,731 B2 (“the ’731 patent”). Paper 1 (“Petition” or “Pet.”). Godo Kaisha IP Bridge 1 (“Patent Owner”) filed a Preliminary Response. Paper 7. On August 24, 2017, we instituted an *inter partes* review of claim 5 of the ’731 patent. Paper 8.

On October 6, 2017, in a Patent Owner Response, Patent Owner notified the Board that it filed a statutory disclaimer under 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a) of claim 5 of the ’731 patent, which is the only claim at issue in this *inter partes* review. Paper 10, 1. Patent Owner also filed a copy of the statutory disclaimer. Ex. 2005. In the Patent Owner Response, Patent Owner states that, in view of the of the disclaimer of the only claim in the proceeding, the proceeding should be terminated pursuant to 37 C.F.R. § 42.73(b)(2). Paper 10, 1. Petitioner does not oppose Patent Owner’s request.

## II. DISCUSSION

A party may request adverse judgment against itself. 37 C.F.R. § 42.73(b). Here, Patent Owner requests “that this proceeding should be terminated pursuant to 37 C.F.R. § 42.73(b)(2),” because no claim remains in the trial after Patent Owner’s disclaimer of the only claim at issue in this proceeding, namely, claim 5. Paper 10, 1; *see also* Ex. 2005. We understand this to be a request for an adverse judgment under 37 C.F.R. § 42.73(b)(2). We grant Patent Owner’s request and enter adverse judgment against Patent Owner under 37 C.F.R. § 42.73(b)(2).

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### III. ORDER

Accordingly, it is:

ORDERED that Patent Owner's request for adverse judgment is granted, and judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b)(2);

FURTHER ORDERED that claim 5 of U.S. Patent No. 6,653,731 B2 is unpatentable; and

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a).

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