

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MICROSOFT CORPORATION, SAMSUNG ELECTRONICS CO. LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC., AND ZTE (USA), INC.,  
Petitioner,

v.

IXI MOBILE (R&D) LTD.,  
Patent Owner.

---

Case IPR2017-00898  
Patent 7,552,124 B2

---

Before BRYAN F. MOORE, TREVOR M. JEFFERSON, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

JUDGMENT  
37 C.F.R. § 42.73

## I. INTRODUCTION

Microsoft Corporation, Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., and ZTE (USA), Inc. (“Petitioner”) filed a Petition (Paper 4) pursuant to 35 U.S.C. §§ 311–19 to institute an *inter partes* review of claims 1–10 of U.S. Patent No. 7,552,124 B2 (“the ’124 patent,” Ex. 1001). On September 11, 2017, the Board instituted trial to review the patentability of claims 1–5. Paper 13.

On November 9, 2017, Patent Owner filed a Request for Adverse Judgement. Paper 15.<sup>1</sup>

## II. DISCUSSION

A party may request adverse judgment against itself at any time. 37 C.F.R. § 42.73(b). In its Request for Adverse Judgment Patent Owner states that it “hereby abandons the contest pursuant to 37 C.F.R. § 42.73(b)(4) and requests cancellation of the instituted claims.” Paper 15. There is no pending motion to amend claims. Petitioner has entered no objection to the Request for Adverse Judgment. Under these circumstances, we determine that entry of judgment against Patent Owner with respect to claims 1–5 of the ’124 patent is appropriate.

---

<sup>1</sup> Patent Owner also filed a Request for Adverse Judgement in IPR2016-01669 involving the same patent and claims as this proceeding. IPR2016-01669, Paper 23.

### III. ORDER

Accordingly, it is

ORDERED that adverse judgment is entered under 37 C.F.R. § 42.73(b) against Patent Owner with respect to claims 1–5 of the '124 patent. Claims 1–5 are unpatentable and shall be cancelled<sup>2</sup>.

---

<sup>2</sup> *See* 37 C.F.R. § 42.80 (“After the Board issues a final written decision in an inter partes patent review . . . the Office will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable . . . .”)

IPR2017-00898  
Patent 7,552,124 B2

PETITIONER:

Andrew M. Mason  
[Andrew.mason@klarquist.com](mailto:Andrew.mason@klarquist.com)

Joseph T. Jakubek  
[Joseph.jakubek@klarquist.com](mailto:Joseph.jakubek@klarquist.com)

J. Christopher Carraway  
[Chris.carraway@klarquist.com](mailto:Chris.carraway@klarquist.com)

PATENT OWNER:

William D. Belanger  
[belangerw@pepperlaw.com](mailto:belangerw@pepperlaw.com)

Griffin Mesmer  
[mesmerg@pepperlaw.com](mailto:mesmerg@pepperlaw.com)

Andrew Schultz  
[schultza@pepperlaw.com](mailto:schultza@pepperlaw.com)