

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE US, INC. and T-MOBILE USA, INC.,

Petitioner,

v.

BARKAN WIRELESS ACCESS TECHNOLOGIES, L.P.,

Patent Owner.

Case IPR2017-01098
Patent 8,559,369 B2

Before MEREDITH C. PETRAVICK, JOHN A. HUDALLA, and
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

JUDGMENT AND FINAL WRITTEN DECISION

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

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed as a request for entry of adverse judgment include “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial.” 37 C.F.R. § 42.73(b)(2). Patent Owner requests cancellation of claim 13 of U.S. Patent No. 8,559,369 (“the ’369 patent), which is the only claim of the ’369 patent at trial, and

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requests entry of adverse judgment against it. Paper 17. We determine that entry of adverse judgment against Patent Owner is appropriate.

Accordingly, it is:

ORDERED that claim 13 of U.S. Patent No. 8,559,369 is cancelled;

ORDERED that adverse judgment is entered under 37 C.F.R.

§ 42.73(b) against Patent Owner; and

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

PETITIONER:

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