

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,  
Petitioner,

v.

INFOGATION CORPORATION,  
Patent Owner.

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Cases IPR2017-01656, -01677  
Patent 9,528,843 B2

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Before NEIL T. POWELL, CARL M. DEFRANCO, and  
GEORGE R. HOSKINS, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

JUDGMENT  
Termination of the Proceeding Pre-Institution  
*37 C.F.R. § 42.73(b)*

On June 28, 2017, Google LLC<sup>1</sup> filed separate Petitions for *inter partes* review of U.S. Patent No. 9,528,843 B2 (“the ’843 patent”), with each Petition challenging claims 1, 2, 5, 7, 10, and 11 as unpatentable for obviousness. Paper 2, 4.<sup>2</sup> On October 13, 2017, InfoGation Corporation, the owner of the ’843 patent, filed a Request for Adverse Judgment against itself in each proceeding “for reason of abandonment of the contest of each of claims 1, 2, 4, 7, 10 and 11 of the ’843 patent.” Paper 7, 1. While the stated abandonment refers to claim 4, InfoGation’s Request previously acknowledged that the Petition challenges claim 5, not claim 4, so we understand InfoGation’s abandonment to refer to claim 5. *Id.* Google does not oppose the Request for Adverse Judgment.

A patent owner may request judgment against itself “at any time during a proceeding.” 37 C.F.R. § 42.73(b). Actions construed to be a request for adverse judgment include abandonment of the contest. *Id.* at § 42.73(b)(4). Here, a decision on institution has not been entered, and InfoGation has decided to abandon the contest and request adverse judgment against itself with respect to all challenged patent claims. All challenged patent claims are effectively canceled following an adverse judgment by the Board. Because no patent claim remains for consideration in these proceedings, the entry of final judgment adverse to InfoGation and the cancellation of all challenged patent claims is appropriate.

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<sup>1</sup> Google Inc. was the originally-named petitioner. Paper 2. On September 30, 2017, Google Inc. converted from a corporation to a limited liability company and changed its name to Google LLC. Paper 6. Google LLC is a subsidiary of XXVI Holdings Inc., which is a subsidiary of Alphabet Inc. *Id.*

<sup>2</sup> The citations herein are the same for each of the two proceedings.

IPR2017-01656, -01677  
Patent 9,528,843 B2

ORDER

Accordingly, it is hereby

ORDERED that Patent Owner InfoGation Corporation's Request for Adverse Judgment against itself with respect to claims 1, 2, 5, 7, 10, and 11 of U.S. Patent No. 9,528,843 B2 is *granted*;

FURTHER ORDERED that judgment against Patent Owner InfoGation Corporation is *entered*, and that claims 1, 2, 5, 7, 10, and 11 of U.S. Patent No. 9,528,843 B2 are *anceled*;

FURTHER ORDERED that Patent Owner InfoGation Corporation shall file a notice and copy of this judgment and decision in the files of any pending applications or proceedings relating to U.S. Patent No. 9,528,843 B2; and

FURTHER ORDERED that these proceedings are *terminated*.

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