

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

IPA TECHNOLOGIES INC.,
Patent Owner.

Case IPR2018-01440
Patent 6,757,718 B1

Before DEBRA K. STEPHENS, THOMAS L. GIANNETTI, and
BART A. GERSTENBLITH, *Administrative Patent Judges*.

Per Curiam.

ADVERSE JUDGMENT
37 C.F.R. § 42.73(b)(4)

I. BACKGROUND

Petitioner requested *inter partes* review of various claims of U.S. Patent No. 6,757,718 B1 (“the ’718 patent”) (Paper 1). A Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response was mailed September 12, 2018 (Paper 5). Patent Owner did not file a preliminary response to the petition by three months from the mailing date of the Notice (December 12, 2018). Rather, on January 25, 2019, Patent Owner filed a paper abandoning the contest pursuant to 37 C.F.R. § 42.73(b)(4) (Paper 6).

II. DISCUSSION

A party may request judgment against itself at any time during a proceeding (37 C.F.R. § 42.73(b)). Here, Patent Owner has abandoned the contest in this proceeding, which is construed as a request for adverse judgment (*see* 37 C.F.R. § 42.73(b)(4) (“Actions construed to be a request for adverse judgment include: . . . Abandonment of the contest.”)). Under these circumstances, entry of judgment adverse to Patent Owner in this case is appropriate.

III. CONCLUSION

In view of Patent Owner’s abandonment of the contest, adverse judgment against Patent Owner is *granted*.

IV. ORDER

It is, therefore,

ORDERED that adverse judgment against Patent Owner is entered under 37 C.F.R. § 42.73(b)(4).

IPR2018-01440
Patent 6,757,718 B1

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