

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

FG SRC LLC,¹
Patent Owner.

Case IPR2018-01599 (Patent 6,076,152)
Case IPR2018-01600 (Patent 6,247,110 B1)²

Before KALYAN K. DESHPANDE, JUSTIN T. ARBES, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ Patent Owner filed updated mandatory notice information indicating that the challenged patents were assigned to FG SRC LLC. IPR2019-01599, Paper 72; IPR2018-01600, Paper 72. Accordingly, the captions for these proceedings have been changed.

² This Order addresses an issue pertaining to all the above-captioned cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style of heading.

IPR2018-01599 (Patent 6,076,152)
IPR2018-01600 (Patent 6,247,110 B1)

In the Patent Owner Response for each of the above-captioned proceedings, Patent Owner states that it “surrenders” some, but not all, claims challenged in each respective proceeding. Patent Owner “surrenders” claims 1–7 of U.S. Patent 6,076,152 (“the ’152 patent”) and claims 1–7 of U.S. Patent 6,247,110 B1 (“the ’110 patent”). IPR2018-01599, Paper 37, 4; IPR2018-01600, Paper 37, 4 (“Patent Owner hereby surrenders challenged claims 1–7 of the ’152 Patent and challenged claims 1–7 of the ’110 Patent.”).

At the consolidated hearing for the above-captioned IPRs, which took place on February 3, 2020, Patent Owner confirmed that it intends to disclaim the above-identified claims, and Petitioner confirmed it has no objection to disclaimer of the claims. Subsequent to the hearing, on February 4, 2020, the parties agreed to Patent Owner’s proposal that Patent Owner file a statutory disclaimer disclaiming the above-identified claims. Patent Owner stated that it could file the appropriate documents within 10 business days.

In consideration of the foregoing, Patent Owner is hereby ordered to either file statutory disclaimers of the above-identified claims, pursuant to 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a), as discussed, or notify the Board that it will not do so, within 10 business days of entry of this Order.

Accordingly, it is hereby

ORDERED that Patent Owner either file statutory disclaimers, pursuant to 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a), of claims 1–7 of U.S. Patent 6,076,152 and claims 1–7 of U.S. Patent 6,247,110 B1 as discussed, or notify the Board that it will not do so, within 10 business days

IPR2018-01599 (Patent 6,076,152)
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of entry of this Order.

IPR2018-01599 (Patent 6,076,152)
IPR2018-01600 (Patent 6,247,110 B1)

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