

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

WEST VIEW RESEARCH, LLC,
Patent Owner.

Case IPR2016-00125
Patent 8,290,778 B2

Before KARL D. EASTHOM, MICHAEL R. ZECHER, and
JASON J. CHUNG, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

JUDGMENT
FINAL WRITTEN DECISION
Inter Partes Review
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73(b)

I. BACKGROUND

On November 17, 2015, Petitioner, Volkswagen Group of America, Inc. (“Volkswagen”), filed a Petition requesting an *inter partes* review of claims 1, 3, 5, 8, 9, 22, 27, 28, and 30 (“the challenged claims”) of U.S. Patent No. 8,290,778 B2 (Ex. 1001, “the ’778 patent”). Paper 2. Patent Owner, West View Research, LLC (“West View”), did not file a Preliminary Response. On May 13, 2016, we instituted an *inter partes* review as to the challenged claims of the ’778 patent. Paper 8.

On February 9, 2016, West View filed a Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b). Paper 23 (“Mot.”). West View requests that we cancel the challenged claims of the ’778 patent and, as a consequence, enter adverse judgment against West View in this trial. Mot. 1. For the reasons discussed below, we *grant* West View’s Request for Adverse Judgment.

II. DISCUSSION

A party may request entry of adverse 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, among other things, cancellation or disclaimer of a claim such that the party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). West View requests that we cancel claims 1, 3, 5, 8, 9, 22, 27, 28, and 30, which are all of the challenged claims involved in this trial. Given that no challenged claims remain in this trial, entry of adverse judgment against West View and cancellation of the challenged claims of the ’778 patent is appropriate.

. III. ORDER

In consideration of the foregoing, it is
ORDERED that West View's Request for Adverse Judgement is
GRANTED;

ORDERED that adverse judgment is entered against West View with
respect to claims 1, 3, 5, 8, 9, 22, 27, 28, and 30 of the '778 patent;

FURTHER ORDERED that claims 1, 3, 5, 8, 9, 22, 27, 28, and 30 of
the '778 patent are cancelled¹; and

FURTHER ORDERED that, because this is a Final Written Decision,
parties to this proceeding seeking judicial review of our decision must
comply with the notice and service requirements of 37 C.F.R. § 90.2.

¹ See 37 C.F.R. § 42.80 (indicating that after the Board issues a final written decision in an *inter partes* patent review proceeding, the Office will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable).

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