

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

VIRGINIA INNOVATION SCIENCES, INC.
Patent Owner

Case IPR2013-00571¹
Patent 8,135,398

**PATENT OWNER REQUEST FOR ADVERSE JUDGMENT
UNDER 37 C.F.R. 42.73(b)(2)**

¹ Case IPR2014-00557 has been joined with this proceeding.

ARGUMENT

IPR2013-00571 and IPR2014-00557 (which is joined with this proceeding) are two of six proceedings (IPR2013-00569, -00570, -00571, -00572, -00573, and IPR2014-00557) requested by Petitioner against Patent Owner's patents. In the interest of streamlining the proceedings and focusing its resources, Patent Owner has decided to cancel claims 15, 55, 57, 58 and 60-63 of U.S. Patent No. 8,135,398 ("the '398 patent"), on which IPR2013-00571 and IPR2014-00557 were instituted.

Patent Owner's decision to cancel the claims is not an admission regarding the merits of Petitioner's position that the claims are invalid and/or that the asserted references taken alone or in combination, teach or suggest all of the limitations of these claims.

Pursuant to the PTAB's Joinder Decision and Order (IPR2014-00557, Paper 10) at 19, this request is being filed only in IPR2013-00571 with the case caption modified as ordered by the PTAB.

RELIEF REQUESTED

In view of the requested cancellation of all claims of the '398 patent upon which trial was instituted, Patent Owner respectfully requests that the PTAB enter an adverse judgment against Patent Owner in these two proceedings pursuant to 37 C.F.R. 42.73(b)(2).

Case IPR2013-00571
(Joined with IPR2014-00557)

Docket Nos.: 6521-0104L
6521-0107L
U.S. Pat. No. 8,135,398

Dated: September 11, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2014, a copy of the Request for Adverse Judgment was served upon the below-listed parties/counsel as follows:

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