

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE US, INC., T-MOBILE USA, INC.,
TELECOMMUNICATION SYSTEMS, INC., ERICSSON INC., and
TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioners,

v.

TRACBEAM, LLC,
Patent Owner.

Case IPR2015-01711
Patent 7,525,484 B2

Before KEVIN F. TURNER, DAVID C. MCKONE, JAMES A. TARTAL,
and BARBARA A. PARVIS, *Administrative Patent Judges*.

MCKONE, *Administrative Patent Judge*.

JUDGMENT
Request for Adverse Judgment
37 C.F.R. § 42.73(b)

IPR2015-01711
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On February 8, 2016, we instituted an *inter partes* review of claim 27 of U.S. Patent No. 7,525,484 B2 (“the ’484 patent”). Paper 9. On August 19, 2016, Patent Owner filed a Patent Owner Response representing that it had filed with the Patent Office a statutory disclaimer, under 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a), of claim 27. Paper 13, 1. A copy of the statutory disclaimer is included as Exhibit 2002. Patent Owner argues that this proceeding is now moot and states that it anticipates seeking permission to file a motion to terminate, to the extent that such a motion is necessary. Paper 13, 1–2.

No separate motion to terminate is necessary. Under 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Furthermore, under § 42.73(b)(2), actions construed as a request for entry of adverse judgment include cancellation or disclaimer of claims such that the party has no remaining claim in the trial.

Patent Owner has filed with the Patent Office a disclaimer of the sole claim involved in this *inter partes* review, such that after the disclaimer it will have no remaining claim in the trial. We construe this disclaimer as a request for entry of adverse judgment and grant such request.

Accordingly, it is

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

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a).

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