

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 IPR2015-01941
Patent 8,065,156 B2

Before MICHAEL R. ZECHER, JENNIFER S. BISK, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

JUDGMENT

Granting Patent Owner's Request for Adverse Judgment
37 C.F.R. § 42.73(b)

I. BACKGROUND

Volkswagen Group of America, Inc. (hereafter “Volkswagen” or “Petitioner”) filed a Petition requesting an *inter partes* review of claims 10, 11, 15, 18, and 20–24 of U.S. Patent No. 8,065,156 B2 (“the ’156 patent”). Paper 2. West View Research, LLC (hereafter “West View” or “Patent Owner”) filed a Preliminary Response (“Prelim. Resp.”), and provided notice of its statutory disclaimer of claims 10, 18, 20, 21, 23, and 24. Paper 5, 21; Ex. 2009. On March 23, 2016, we instituted an *inter partes* review as to claims 11, 15, and 22 of the ’156 patent. Paper 7. A hearing was set for December 1, 2016. Papers 8, 17. On November 28, 2016, West View filed a Request for Adverse Judgment, requesting that we cancel claims 11, 15, and 22 of the ’156 patent, which constitute all of the claims at issue in this *inter partes* review. Paper 19.

II. DISCUSSION

A party may request 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 of a claim such that the party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). In this trial, West View requests adverse judgment and the cancellation of all of the claims on which *inter partes* review was instituted. Thus, after the cancellation of claims 11, 15, and 22 of the ’156 patent, no claims would remain in this *inter partes* review. Under these circumstances, we determine that it is appropriate to grant West View’s request and enter judgment in this case against West View.

III. ORDER

Accordingly, it is:

ORDERED that West View's Request for Adverse Judgment in this *inter partes* review is GRANTED, and judgment is entered against West View in this case with respect to claims 11, 15, and 22 of the '156 patent;

FURTHER ORDERED that claims 11, 15, and 22 of the '156 patent are CANCELLED; and

FURTHER ORDERED that the December 1, 2016, hearing is CANCELLED.

For PETITIONER:

Michael J. Lennon
Clifford A. Ulrich
KENYON & KENYON LLP
mlennon@kenyon.com
culrich@kenyon.com

For PATENT OWNER:

Peter J. Gutierrez, III
Mark Wang
GAZDZINSKI & ASSOCIATES, PC
docket@gazpat.com