

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICRON TECHNOLOGY, INC.,  
Petitioner,

v.

LIMESTONE MEMORY SYSTEMS LLC,  
Patent Owner.

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Case IPR2016-00096  
Patent 6,233,181 B1

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Before BART A. GERSTENBLITH, BARBARA A. PARVIS, and  
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

## I. INTRODUCTION

Micron Technology, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–7 of U.S. Patent No. 6,233,181 B1 (Ex. 1001, “the ’181 patent”). On April 21, 2016, we instituted an *inter partes* review of claims 1, 2, 4, 6, and 7 of the ’181 patent. Paper 8, 10. On July 22, 2016, Limestone Memory Systems LLC (“Patent Owner”) filed a notice indicating that claims 1, 2, 4, 6, and 7 of the ’181 patent were disclaimed under 37 C.F.R. § 1.321(a), and requesting adverse judgment. Paper 10, 1.

## II. ANALYSIS

A party may request 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 disclaimer of a claim such that the party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). Here, Patent Owner indicates that all the claims involved in this *inter partes* review were disclaimed, and Patent Owner expressly requests adverse judgment. Paper 10, 1; Ex. 2002, 3. Therefore, we determine that it is appropriate to grant Patent Owner’s request for adverse judgment.

## III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s request for adverse judgment under 37 C.F.R. § 42.73(b) is *granted*; and

FURTHER ORDERED that adverse judgment is entered against Patent Owner with respect to claims 1, 2, 4, 6, and 7 of the ’181 patent.

IPR2016-00096  
Patent 6,233,181 B1

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