

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 IPR2016-00123
Patent 8,719,037

**PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT PURSUANT
TO 37 C.F.R. § 42.73(b)**

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ARGUMENT

“A party may request judgment against itself at any time during a proceeding.” 37 C.F.R. §42.73(b)(2). Although West View Research, LLC respectfully disagrees with the assertions made and invalidity positions taken by Petitioner during this IPR proceeding, West View Research, LLC respectfully requests judgment against itself, and asks that the Board cancel the claims remaining in this proceeding (i.e., Claims 22, 42, 75, and 77) and enter adverse judgment against it. Patent Owner respectfully notes that Claims 2 – 21, 23 – 36, 38 – 41, 43 – 47, 49 – 70, 74, and 76 are not subject to the present proceeding and hence, remain valid and enforceable.

RELIEF REQUESTED

In view of the cancellation of all claims remaining in this proceeding, West View Research, LLC respectfully requests the Board enter a final adverse judgment against West View Research, LLC on the claims remaining in this case (Claims 22, 42, 75, and 77) pursuant to 37 C.F.R. §42.73(b)(2).

Respectfully submitted,

GAZDZINSKI & ASSOCIATES, PC

Dated: February 9, 2017

By: /Peter J. Gutierrez, III/
Peter J. Gutierrez, III
Registration No. 56,732
Back-Up Counsel for Patent Owner

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the foregoing **PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT PURSUANT TO 37 C.F.R. § 42.73(b)** was served electronically via e-mail on February 9, 2017, in their entirety on the following counsel of record for Petitioners:

Michael J. Lennon (Reg. No. 26,562) Lead Counsel
Clifford A. Ulrich (Reg. No. 42,194) Backup Counsel

Kenyon & Kenyon LLP
One Broadway
New York, NY 10004
Tel: 212.425.7200
Fax: 212.425.5288

Email: mlennon@kenyon.com
culrich@kenyon.com
ptab@kenyon.com

GAZDZINSKI & ASSOCIATES, PC

Date: February 9, 2017

/Peter J. Gutierrez, III/
Peter J. Gutierrez, III
Registration No. 56,732
Back-Up Counsel for Patent Owner