

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS, CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC., and  
SAMSUNG SEMICONDUCTOR, INC.,  
Petitioner,

v.

RAYTHEON COMPANY,  
Patent Owner.

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Case IPR2016-00739  
Patent 5,591,678

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Before JO-ANNE M. KOKOSKI, JENNIFER MEYER CHAGNON, and  
JEFFREY W. ABRAHAM *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

JUDGMENT  
Termination of the Proceeding  
*37 C.F.R. § 42.73(b)*

I. INTRODUCTION

On September 15, 2016, we instituted an *inter partes* review of claims 1–4 and 8–10 of U.S. Patent No. 5,591,678 (“the ’678 patent”). Paper 10 (Institution Decision). On February 1, 2017, Patent Owner, Raytheon

IPR2016-00739  
Patent 5,591,678

Company (“Raytheon”), filed a Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b). Paper 14. In the Request, Raytheon asks us to cancel claims 1–4 and 8–10 of the ’678 patent and to enter an adverse judgment against Raytheon. *Id.* at 2.

## II. ANALYSIS

A party may request entry of 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 cancellation of patent claims such that a party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). Raytheon’s request to cancel claims 1–4 and 8–10 of the ’678 patent leaves no claim remaining in the trial. Accordingly, entry of adverse judgment against Raytheon pursuant to 37 C.F.R. § 42.73(b) is appropriate.

## III. ORDER

Accordingly, it is

ORDERED that Raytheon’s Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b) is *granted*;

FURTHER ORDERED that claims 1–4 and 8–10 of U.S. Patent No. 5,591,678 are canceled;

FURTHER ORDERED that adverse judgment is entered against Raytheon with respect to claims 1–4 and 8–10 of U.S. Patent No. 5,591,678; and

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

IPR2016-00739  
Patent 5,591,678

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