

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

RAYTHEON COMPANY,
Patent Owner.

Case IPR2016-00739
(Patent 5,591,678)

PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT UNDER 37

C.F.R. § 42.73(b)

BACKGROUND

The patent at issue in this proceeding, U.S. Patent No. 5,591,678 (the “678 patent”), has 18 claims. In this proceeding, the Board instituted review for claims 1-4 and 8-10 of the 678 patent, but denied review of all other claims, namely, claims 5-7 and 11-18. (Paper 10 at 21). Patent Owner requests adverse judgment with respect to claims 1-4 and 8-10 of the 678 patent.

RELIEF REQUESTED

“A party may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b)(2). Accordingly, Patent Owner respectfully requests judgment against itself, and asks that the Board cancel claims 1-4 and 8-10 of the 678 patent. Claims 5-7 and 11-18 of the 678 patent are not at issue in this proceeding and Patent Owner makes no request with respect to such claims. Because claims 1-4 and 8-10 of the 678 patent are the only claims at issue in this proceeding, the requested adverse judgment will end the proceeding.

Respectfully submitted,

Date: February 1, 2017

/Thomas J. Filarski Reg # 31,612/

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Reg. No. 31,612

Attorney for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the attached PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT was sent via electronic mail on February 1, 2017, to the following:

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