

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KYOCERA CORPORATION, and
KYOCERA COMMUNICATIONS INC.,
Petitioner,

v.

ADAPTIX, INC.,
Patent Owner.

Case IPR2015-00319
Patent 6,947,748 B2

Before GLENN J. PERRY, TREVOR M. JEFFERSON, and
JUSTIN BUSCH, *Administrative Patent Judges*.

PERRY, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.73

SPRINT 1016

I. INTRODUCTION

Kyocera Corporation and Kyocera Communications Inc. (collectively, “Petitioner”) filed a Petitioner for an *inter partes* review of claims 8, 9, 21, and 22 of U.S. Patent No. 6,947,748 B2 (Ex. 1003, “the ’748 patent”) under 35 U.S.C. §§ 311–319 (Ex. 1003, “the ’748 patent”) under 35 U.S.C. §§ 311–319. *See* Paper 1 (“Petition” or “Pet.”). The Board instituted review of claims 8, 9, 21, and 22 (Paper 10, “Dec.”). Patent Owner Adaptix, Inc. now requests adverse judgment as to the claims subject to this *inter partes* review. Paper 14.

We have considered the Request for Adverse Judgment, and hereby grant Patent Owner’s request for adverse judgment.

II. RELEVANT RULES

The Board may terminate a trial without rendering a final written decision, where appropriate, including where the trial is consolidated with another proceeding or pursuant to a joint request under 35 U.S.C. § 317(a) or § 327(a). 37 C.F.R. § 42.72. A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b).

III. ANALYSIS

Patent Owner’s Request for Adverse Judgment (Paper 14) requests adverse judgment and indicates that “the Board cancelled claims 8, 9, 21, and 22 of U.S. Patent No. 6,947,748 in a Judgment dated July 22, 2015 in IPR2014-01524.” Paper 14, 2. These are all of the claims for which *inter partes* review has been instituted in this case. Paper 10.

No persuasive reason exists on this record to deny this request. Accordingly, the Request for Adverse Judgment is granted.

IV. ORDER

For the reasons given, it is

ORDERED that Patent Owner's request for adverse judgment under 37 C.F.R. § 42.73(b) with respect to claims 8, 9, 21, and 22 of U.S. Patent No. 6,947,748 B2 is GRANTED; and

FURTHER ORDERED that, at the request of Patent Owner, judgment is entered herein against Patent Owner with respect to claims 8, 9, 21, and 22 of U.S. Patent No. 6,947,748 B2.

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For PETITIONER:

Marc Weinstein
Quinn Emanuel Urquhart & Sullivan, LLP
marcweinstein@quinnemanuel.com

For PATENT OWNER:

Amedeo Ferraro
Wesley Meinerding Martin & Ferraro, LLP
inerding@martinferraro.com
wmeinerding@martinferraro.com