

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION
Petitioner,

v.

SOCKEYE LICENSING TX, LLC,
Patent Owner.

Case IPR2016-01053
Patent 8,879,987 B1

**PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT
UNDER 37 C.F.R. §42.73(b)(2)**

The Board instituted review in the above-captioned proceeding for claims 1-5, 12-17, and 19 of U.S. Patent No. 8,879,987. Paper 6 (Institution Decision) at 14.

“A party may request judgment against itself at any time during a proceeding.” 37 C.F.R. §42.73(b)(2). Accordingly, Patent Owner Sockeye Licensing TX, LLC respectfully requests judgment against itself and asks that the Board cancel the instituted claims (claims 1-5, 12-17, and 19) and enter adverse judgment against it. Patent Owner’s cancellation of the instituted claims is not an admission regarding the merits of Petitioners’ position that the claims are invalid and/or that the asserted references taken alone, or in combination, teach or suggest all the limitations of the claims.

In view of the requested cancellation of the claims of the ’987 patent upon which trial was instituted, Patent Owner respectfully requests that the PTAB enter an adverse judgment against Patent Owner and terminate this proceeding pursuant to 37 C.F.R. §42.73(b)(2).

Respectfully submitted,

/Gregory S. Donahue/

Dated: 01/20/2017

Gregory S. Donahue
Reg. No. 47,531
DiNovo Price Ellwanger & Hardy LLP
7000 North MoPac Expressway, Suite 350
Austin, Texas 78731
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January 2017, a true and correct copy of the foregoing PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT was served by electronic mail upon the following counsel of record for Petitioner:

Andrew M. Mason (Reg. # 64,034)
Klarquist Sparkman, LLP
121 SW Salmon St., Suite 1600
Portland, OR 97204
(503) 595-5300
andrew.mason@klarquist.com

Jeffrey S. Love (*pro hac* pending)
Klarquist Sparkman, LLP
121 SW Salmon St., Suite 1600
Portland, OR 97204
(503) 595-5300
jeffrey.love@klarquist.com

John D. Vandenberg (Reg. # 31,312)
Klarquist Sparkman, LLP
121 SW Salmon St., Suite 1600
Portland, OR 97204
(503) 595-5300
john.vandenberg@klarquist.com

/Gregory S. Donahue/

Gregory S. Donahue
Reg. No. 47,531
DiNovo Price Ellwanger & Hardy LLP
7000 North MoPac Expressway, Suite 350
Austin, Texas 78731
Lead Counsel for Patent Owner