

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,

Petitioner,

v.

ALEX IS THE BEST, LLC

Patent Owner

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Case IPR2017-02059

U.S. Patent No. 8,581,991

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**PATENT OWNER REQUEST FOR ADVERSE JUDGEMENT**

**UNDER 37 C.F.R. 42.73(b)(2)**

## ARGUMENT

In interest of streamlining the proceedings between Alex Is The Best, LLC and Google, Lenovo Holding Company, Inc. et al. and focusing its resources, Patent Owner has decided to cancel claims 22, 23, 25, 27-29, 32, 33 and 35-38 of U.S. Patent No. 8,581,991 (“the ‘991 patent”), on which IPR2017-02059 was instituted.

Patent Owner’s decision to cancel the claims is not an admission regarding the merits of Petitioner’s position that the claims are invalid and/or that the asserted references taken alone or in combination, teach or suggest all of the limitations of these claims. Patent Owner’s decision to cancel the claims is intended strictly for the purpose of lifting the pending litigation stays so that it may move forward with patents where no IPRs were instituted.

## RELIEF REQUESTED

In view of the requested cancellation of the claims of the ‘991 patent upon which trial was instituted, Patent Owner respectfully requests that the PTAB enter an adverse judgment against Patent Owner in this proceeding pursuant to 37 C.F.R. 42.73(b)(2).

Dated: June 5, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 5, 2018, a true and correct copy of **PATENT OWNER REQUEST FOR ADVERSE JUDGMENT UNDER 37 C.F.R. 42.73(b)(2)** is being served electronically to the Petitioners as authorized in the Petition at the correspondence email addresses of record as follows:

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