

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SANDVINE CORPORATION and SANDVINE INCORPORATED ULC,
Petitioner,

v.

PACKET INTELLIGENCE, LLC,
Patent Owner.

Case IPR2017-00863
Patent 6,665,725 B1

Before ELENI MANTIS MERCADER, JUSTIN T. ARBES, and
JESSICA C. KAISER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

JUDGMENT
Abandonment of the Contest
37 C.F.R. § 42.73(b)(4)

Sandvine Corporation and Sandvine Incorporated ULC (collectively, “Petitioner”) filed a Petition for *inter partes* review of claims 1 and 2 of U.S. Patent No. 6,665,725 B1. Paper 1. Patent Owner, Packet Intelligence, LLC, did not file a Preliminary Response. We instituted an *inter partes* review on the sole asserted ground as to the challenged claims. Paper 6.

Patent Owner filed a paper titled “Patent Owner’s Abandonment of Contest,” stating that Patent Owner “hereby abandons this contest pursuant to 37 C.F.R. § 42.73(b)(4).” Paper 8. Under 37 C.F.R. § 42.73(b)(4), a party may request judgment against itself at any time during a proceeding, and actions construed to be a request for such an adverse judgment include “[a]bandonment of the contest.” We find that Patent Owner’s action, as set forth in Paper 8, constitutes abandonment of this *inter partes* review, construe such abandonment as a request for adverse judgment, and enter adverse judgment against Patent Owner under 37 C.F.R. § 42.73(b)(4).

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Accordingly, it is hereby

ORDERED that Patent Owner's request for adverse judgment pursuant to 37 C.F.R. § 42.73(b)(4) (Paper 8) is GRANTED; and

FURTHER ORDERED that judgment is entered against Patent Owner with respect to claims 1 and 2 of U.S. Patent No. 6,665,725 B1.

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