

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SANDVINE CORPORATION and SANDVINE INCORPORATED ULC,  
Petitioner,

v.

PACKET INTELLIGENCE, LLC,  
Patent Owner.

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Case IPR2017-00863  
Patent 6,665,725 B1

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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.

PETITIONER:

Eric A. Buresh  
Mark C. Lang  
Kathleen D. Fitterling  
Abran J. Kean  
ERISE IP, P.A.  
eric.buresh@eriseip.com  
mark.lang@eriseip.com  
kathleen.fitterling@eriseip.com  
abran.kean@eriseip.com

PATENT OWNER:

Steven W. Hartsell  
Alexander E. Gasser  
SKIERMONT DERBY LLP  
shartsell@skiermontderby.com  
agasser@skiermontderby.com