

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C. and
DIRECTV, LLC,
Petitioners,

v.

QURIO HOLDINGS, INC.,
Patent Owner.

Cases

IPR2016-00080 (Petitioner DISH NETWORK L.L.C.)

IPR2016-00994 (Petitioner DIRECTV, LLC)

Patent 8,879,567 B1

Before BARBARA A. BENOIT, KERRY BEGLEY, and
JASON J. CHUNG, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

JUDGMENT

Granting Request for Adverse Judgment
37 C.F.R. § 42.73(b)

I. BACKGROUND

In *DISH Network L.L.C. v. Qurio Holdings, Inc.*, Case IPR2016-00080, Petitioner, DISH Network L.L.C., filed a Petition for *inter partes* review of claims 20, 21, 24, and 25 of U.S. Patent No. 8,879,567 B1 (“the ’567 patent”). Paper 1. Patent Owner filed a Preliminary Response. Paper 5. On April 25, 2016, we instituted an *inter partes* review of all of the challenged claims. Paper 6. On July 13, 2016, Patent Owner filed a Request for Adverse Judgment, asking the Board to cancel claims 20, 21, 24, and 25 of the ’567 patent, which constitute all of the claims at issue in IPR2016-00080. Paper 10.

In *DIRECTV, LLC v. Qurio Holdings, Inc.*, Case IPR2016-00994, Petitioner, DIRECTV, LLC, filed a Petition for *inter partes* review of claims 20, 21, 24, and 25 of the ’567 patent. Paper 2. Petitioner concurrently filed a Motion for Joinder requesting joinder of IPR2016-00994 with IPR2016-00080. Paper 3. Patent Owner, Qurio Holdings, Inc., filed a Preliminary Response. Paper 9. On July 13, 2016, Patent Owner filed a Request for Adverse Judgment, asking the Board to cancel claims 20, 21, 24, and 25 of the ’567 patent, which constitute all of the claims at issue in IPR2016-00994. Paper 10.

II. DISCUSSION

A party may request adverse judgment against itself at any time. 37 C.F.R. § 42.73(b). In IPR2016-00080 and IPR2016-00994, Patent Owner requests adverse judgment and the cancellation of all of the claims on which *inter partes* review was instituted (IPR2016-00080) or requested (IPR2016-00994). Thus, after the cancellation of the specified claims of the

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'567 patent, no claims would remain in either of the above-captioned *inter partes* reviews. Under these circumstances, the Requests for Adverse Judgment are appropriate. Therefore, we grant Patent Owner's requests and enter judgment in IPR2016-00080 and IPR2016-00994 against Patent Owner under 37 C.F.R. § 42.73(b).

III. ORDER

Accordingly, it is:

ORDERED that Patent Owner's Request for Adverse Judgment in IPR2016-00080 is granted, and judgment is entered against Patent Owner in IPR2016-00080 under 37 C.F.R. § 42.73(b) with respect to claims 20, 21, 24, and 25 of the '567 patent;

FURTHER ORDERED that Patent Owner's Request for Adverse Judgment in IPR2016-00994 is granted, and judgment is entered against Patent Owner in IPR2016-00994 under 37 C.F.R. § 42.73(b) with respect to claims 20, 21, 24, and 25 of the '567 patent;

FURTHER ORDERED that DIRECTV, LLC's Petition (Paper 2) and Motion for Joinder (Paper 3) filed in IPR2016-00994 are dismissed as moot;

FURTHER ORDERED that claims 20, 21, 24, and 25 of U.S. Patent No. 8,879,567 B1 are CANCELLED; and

FURTHER ORDERED that a copy of this Decision is to be entered into the file of Cases IPR2016-00080 and IPR2016-00994.

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