

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,
and
LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC., and
LG ELECTRONICS MOBILECOMM U.S.A., INC.,
Petitioners,

v.

BLACK HILLS MEDIA, LLC,
Patent Owner.

Case IPR2014-00740
Case IPR2015-00340
Patent 8,045,952 B2

Before BRIAN J. McNAMARA, FRANCES L. IPPOLITO, and
TINA E. HULSE, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

BACKGROUND

On May 9, 2014, Petitioner Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (collectively, “Petitioner Samsung”) filed a Petition seeking *inter partes* review of claims 1–4, 9–12 and 14 of U.S. Patent No. 8,045,952 B2 (“the ’952 patent”). On November 4, 2014, we instituted *inter partes* review of claims 1–3, 9–11, and 14 of the ’952 patent in IPR2014-00740. Paper 7, 23–24.

On December 3, 2014, Petitioner LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc. (collectively, “Petitioner LG”) filed a Petition for *inter partes* review of claims 1–4, 9–12 and 14 of the ’952 patent (IPR2015-00340, Paper 2), and a Motion for Joinder to IPR2014-00740 (IPR2015-00340, Paper 3). On January 28, 2015, we instituted *inter partes* review of claims 1–3, 9–11, and 14 of the ’952 patent in IPR2015-00340 and granted Petitioner LG’s motion for joinder of IPR2015-00340 with previously instituted IPR2014-00740. IPR2014-00740, Paper 17, 3–4. In that Decision, the ground on which IPR2014-00740 was instituted was unchanged, no other grounds were instituted in the joined proceeding, and the Scheduling Order in place for IPR2014-00740 (Paper 13) was unchanged and applied to the joined proceeding. *Id.* at 4. We also terminated the IPR2015-00340 proceeding. *Id.* at 4.

Pursuant to the Scheduling Order, on February 4, 2015, Patent Owner filed its Response. Paper 18. Patent Owner did not file a motion to amend. On April 3, 2015, Patent Owner filed a Request for Adverse Judgment, Paper 25, requesting adverse judgment pursuant to 37 C.F.R. § 42.73(b), with respect to the claims that are the subject of this joined proceeding:

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Patent Owner . . . hereby requests that the Board cancel claims 1–3, 9–11, and 14 of U.S. Patent No. 8,045,952 (“the ’952 Patent”). These claims are all claims for which the present *inter partes* review has been instituted. *See* Decision – Institution of *Inter Partes* Review, Paper 7, p. 24. *See also* Decision – Institution of *Inter Partes* Review and Grant of Motion for Joinder, Paper 17.

In view of the cancellation of all claims remaining in the trial, Patent Owner requests that the Board enter adverse judgment against Patent Owner in this proceeding pursuant to 37 C.F.R. §42.73(b)(2).

Paper 25, 1. Petitioner Samsung and Petitioner LG have not filed any reply to the Patent Owner’s Response.

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. *See* 37 C.F.R. § 42.73(b). Patent Owner has conceded that the requested judgment effectively will cancel the claims identified for trial and moot this proceeding. Paper 25, 1. There is no pending motion to amend claims, and the deadline for filing such a motion has passed. *See* Paper 13. Patent Owner also has indicated by email to the Board that Petitioners have no objection to the Request for Adverse Judgment. Under these circumstances, the request for entry of adverse judgment is appropriate.

ORDER

It is ORDERED that Patent Owner’s request for adverse judgment under 37 C.F.R. § 42.73(b) with respect to claims 1–3, 9–11, and 14 of U.S. Patent No. 8,045,952 B2 is GRANTED; and,

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ORDERED that judgment is entered herein against Patent Owner with respect to claims 1–3, 9–11, and 14 of U.S. Patent No. 8,045,952 B2.

Claims 1–3, 9–11, and 14 are unpatentable, and shall be cancelled.

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