

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE US, INC., T-MOBILE USA, INC.,
TELECOMMUNICATION SYSTEMS, INC., ERICSSON INC., and
TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioner,

v.

TRACBEAM, LLC,
Patent Owner.

Case IPR2015-01713
Patent 8,032,153 B2

Before KEVIN F. TURNER, RICHARD E. RICE, DAVID C. McKONE,
and BARBARA A. PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

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

On February 8, 2016, we instituted an *inter partes* review of claims 1, 3, and 15 of U.S. Patent No. 8,032,153 B2 (“the ’153 patent”). Paper 10. On August 19, 2016, Patent Owner filed a Patent Owner Response representing that it had filed with the Patent Office a statutory disclaimer, under 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a), of claims 1, 3, and 15. Paper 13, 1. A copy of the statutory disclaimer is included as Exhibit 2002. Patent Owner argues that this proceeding is now moot and states that it anticipates seeking permission to file a motion to terminate, to the extent that such a motion is necessary. Paper 13, 1–2.

No separate motion to terminate is necessary. Under 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Furthermore, under § 42.73(b)(2), actions construed as a request for entry of adverse judgment include cancellation or disclaimer of claims such that the party has no remaining claim in the trial.

Patent Owner has filed with the Patent Office a disclaimer of the claims involved in this *inter partes* review, such that after the disclaimer it will have no remaining claim in the trial. We construe this disclaimer as a request for entry of adverse judgment and grant such request.

Accordingly, it is

ORDERED that judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b); and

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a).

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Patent 8,032,153 B2

PETITIONER:

Brian W. Oaks
Douglas M. Kubehl
Chad C. Walters
Ross G. Culpepper
BAKER BOTTS LLP
brian.oaks@bakerbotts.com
doug.kubehl@bakerbotts.com
chad.walters@bakerbotts.com
ross.culpepper@bakerbotts.com

PATENT OWNER:

Sean Luner
DOVEL AND LUNER, LLP
sean@dovellaw.com

Steven C. Sereboff
SOCAL IP LAW GROUP LLP
ssereboff@socalip.com