

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELECTRONIC ARTS INC.,
Petitioner,

v.

WHITE KNUCKLE GAMING, LLC,
Patent Owner.

Case IPR2016-00634
Patent 8,540,575 B2

Before MICHAEL W. KIM, CARL M. DEFRANCO, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

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

On February 18, 2016, Electronic Arts Inc. (“EA”) filed a petition for *inter partes* review of claims 1–35 of U.S. Patent No. 8,540,575 B2 (“the ’575 patent”). Paper 1. White Knuckle Gaming, LLC (“White Knuckle”) is the owner of the ’575 patent. We instituted trial on all of the challenged

claims on September 2, 2016 (Paper 6), and this case is scheduled for oral hearing on May 17, 2017 (Paper 26).

On May 8, 2017, the parties filed a Joint Motion to Terminate this proceeding. Paper 31. In the Motion, the parties indicate that White Knuckle filed a statutory disclaimer under 37 C.F.R. § 1.321(a), disclaiming claims 1–35, all of the challenged claims, of the '575 patent.¹ Mot. 1–2. A copy of the statutory disclaimer was filed as an exhibit along with the Motion. Ex. 2239.

Pursuant to 37 C.F.R. § 42.73(b), we construe “disclaimer of a claim such that the party has no remaining claim in the trial” to be a request for adverse judgment. White Knuckle has disclaimed all of the claims on which we instituted trial, hence, no claims remain for trial. As such, we determine that it is appropriate to enter adverse judgment and terminate the proceeding.²

ORDER

Accordingly, it is hereby

ORDERED that judgment against White Knuckle pursuant to 37 C.F.R. § 42.73 is *entered*;

¹ The parties also indicate that, in the related district court action, *White Knuckle Gaming, LLC v. Electronic Arts Inc.*, No. 1:15-cv-00150 (D. Utah), the district court determined all claims of the '575 patent to be invalid under 35 U.S.C. § 101, that the district court's decision was recently affirmed by the U.S. Court of Appeals for the Federal Circuit, and that “Patent Owner waived its rights to petition for rehearing and writ of certiorari of the Federal Circuit decision.” Mot. 1–2 (citing Ex. 2238).

² A judgment means a final written decision by the Board, or a termination of a proceeding. 37 C.F.R. § 42.2.

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FURTHER ORDERED that a copy of this judgment shall be entered into the Office's administrative records for U.S. Patent No. 8,540,575 B2;

FURTHER ORDERED that White Knuckle shall file a copy of this judgment in any related district court action involving the '575 patent; and

FURTHER ORDERED that this proceeding is *terminated*.

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