

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY
Petitioner,

v.

SAFE DRIVING TECHNOLOGIES LLC
Patent Owner.

IPR2021-01353
Patent 10,532,709 B2

Before SCOTT C. MOORE, RYAN H. FLAX, and BRENT M. DOUGAL,
Administrative Patent Judges.

FLAX, *Administrative Patent Judge.*

JUDGMENT
Granting Request for Adverse Judgment After Institution of Trial
37 C.F.R. § 42.73(b)

Ford Motor Company (“Petitioner”) filed a Petition for *inter partes* review challenging claims 1–7 and 14–16 of U.S. Patent 10,532,709 (“the ’709 patent”). Paper 1 (“Pet.”). Safe Driving Technologies LLC is the Patent Owner. *See* Paper 4. On February 10, 2022, we instituted trial in this proceeding. Paper 9 (“DI”).

On October 25, 2022, via a series of emails, Patent Owner indicated that “Patent Owner has not filed a Patent Owner Response (“POR”) in this matter (or other papers beyond a Preliminary Patent Owner response (“PPOR”)) and desires to dedicate the subject matter of the challenged claims (claims 1-7 and 14-16) to the public” and, in response to the Board’s inquiry, also stated that “Patent Owner intends to file a disclaimer for claims 1-7 and 14-16,” which we explained “we will treat as a request for adverse judgement and terminate the proceeding.” Ex. 3002.

On November 4, 2022, we ordered Patent Owner to certify to the Board by November 9, 2022, that Patent Owner had accomplished filing its disclaimer with the Office. Paper 13. On November 8, 2022, Patent Owner made this certification, filing a disclaimer under 37 C.F.R. § 1.321(a) of claims 1–7 and 14–16 of the ’709 patent in this proceeding, which is signed by Patent Owner’s attorney of record, expressly identifies the patent and claims to be disclaimed, and states that Patent Owner 100% owns the ’709 patent. Paper 14.

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions constituting a request for entry of adverse judgment include “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial.” *Id.* Patent Owner has disclaimed, under 37 C.F.R. § 1.321(a), claims 1–7 and 14–16 of the ’709

patent, and has requested that the Board enter adverse judgment against it with respect to these claims, the only claims at issue in this proceeding. Ex. 3002; Paper 14.

Having reviewed Patent Owner's disclaimer and request, we determine that entry of judgment against Patent Owner with respect to claims 1–7 and 14–16 of the '709 patent is appropriate.

This proceeding is terminated.

ORDER

Accordingly, it is hereby:

ORDERED that adverse judgment is entered under 37 C.F.R. § 42.73(b)(2) against Patent Owner; and

FURTHER ORDERED that all scheduled Due Dates (*see* Paper 10) are vacated.

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