

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG DISPLAY CO., LTD., FUNAI ELECTRIC CO., LTD., and  
TOSHIBA CORPORATION,  
Petitioner,

v.

GOLD CHARM LIMITED,  
Patent Owner.

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Case IPR2015-01469  
Patent 5,870,163

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Before KARL D. EASTHOM, MICHAEL R. ZECHER,  
and BRYAN F. MOORE, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

JUDGMENT AND FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73(b)*

Petitioner requested an *inter partes* review of claims 1 and 5 of U.S. Patent No. 5,870,163 (“the ’163 patent”). Paper 1 (“Petition”). The Board granted the Petition and instituted an *inter partes* review of claims 1 and 5. Paper 12. On March 29, 2016, Patent Owner’s counsel notified the Board and Petitioner’s counsel that Patent Owner decided not to file a response to the Petition under 37 C.F.R. § 42.120. On March 30, 2016, Patent Owner’s counsel additionally confirmed to the Board and Petitioner’s counsel that Patent Owner’s decision not to file a response to the Petition should be treated as an abandonment of the contest and, therefore, a request for adverse judgment.

A party may request entry of adverse judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Here, Patent Owner has requested to abandon the contest, which would be construed as a request for adverse judgment even apart from Patent Owner’s explicit request for adverse judgment. *Id.* § 42.73(b)(4). Under these circumstances, entry of judgment adverse to the Patent Owner and cancellation of claims 1 and 5 of the ’163 patent are appropriate.

Patent Owner’s request for adverse judgment is *granted*.

#### ORDER

It is, therefore,

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

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

IPR2015-01469  
Patent 5,870,163

FURTHER ORDERED that claims 1 and 5 of the '163 patent be  
CANCELLED.<sup>1</sup>

For PETITIONER:

Jay I. Alexander  
Andrea G. Reister  
COVINGTON & BURLING LLP  
jalexander@cov.com  
areister@cov.com

Steven B. Kelber  
Marc R. Labgold  
THE LAW OFFICES OF MARC R. LABGOLD, P.C.  
skelber@labgoldlaw.com  
mlabgold@labgoldlaw.com

Paul T. Meiklejohn  
Clinton L. Conner  
Adam Floyd  
DORSEY & WHITNEY LLP  
meiklejohn.paul@dorsey.com  
conner.clint@dorsey.com  
floyd.adam@dorsey.com

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<sup>1</sup> See 37 C.F.R. § 42.80 (indicating that after the Board issues a final written decision in an *inter partes* review proceeding, the Office will issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable).

IPR2015-01469  
Patent 5,870,163

For PATENT OWNER:

Aaron R. Ettelman

Jeffrey W. Gluck

John D. Simmons

Frederick A. Tecce

Clark A. Jablon

Dennis J. Butler

Stephen E. Murray

PANITCH SCHWARZE BELISARIO & NADEL LLP

aettelman@panitchlaw.com

jgluck@panitchlaw.com

jsimmons@panitchlaw.com

ftecce@panitchlaw.com

cjablon@panitchlaw.com

dbutler@panitchlaw.com

smurray@panitchlaw.com