

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAPSUGEL BELGIUM NV,
Petitioner,

v.

INNERCAP TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2013-00331
Patent No. 8,361,497

Before LORA M. GREEN, RAMA G. ELLURU, and
CHRISTOPHER L. CRUMBLEY, *Administrative Patent Judges*.

CRUMBLEY, *Administrative Patent Judge*.

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

The Board instituted this *inter partes* review of claims 2-5, 7-14, 16-21, and 24-26 of U.S. Patent No. 8,361,497 on December 9, 2013. Paper 9. On

January 24, 2014, patent owner, Innercap Technologies, Inc. (“Inncap”), filed a Request for Adverse Judgment, asking that the Board cancel all claims on which trial was instituted and enter judgment against Innercap. Paper 13.

Under 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Cancellation or disclaimer of one or more claims, such that the patent owner has no remaining claim in the trial, is construed to be a request for adverse judgment. 37 C.F.R. § 42.73(b)(2). Innercap has not only requested cancellation of all claims on which trial was instituted in this *inter partes* review, such that after the cancellation it will have no remaining claim in the trial, but also expressly requested entry of adverse judgment.

Accordingly, it is hereby

ORDERED that patent owner Innercap’s Request for Entry of Adverse Judgment is *granted*; and

FURTHER ORDERED that claims 2-5, 7-14, 16-21, and 24-26 of US Patent No. 8,361,497 are *cancelled*.

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Patent No. 8,361,497

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