

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LAROSE INDUSTRIES, LLC
Petitioner

v.

CHOON'S DESIGN, LLC
Patent Owner

Case IPR2014-00218
Patent 8,485,565 B2

Before GRACE KARAFFA OBERMANN, JEREMY M. PLENZLER, and
JON B. TORNQUIST, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

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

BACKGROUND

On May 20, 2014, the Board instituted this *inter partes* review of claims 1, 5-8, 10, and 11 of U.S. Patent No. 8,485,565 B2. Paper 9. The initial conference call was conducted on June 18, 2014. At that time, Patent Owner expressed an intention to cancel all challenged patent claims and request entry of an adverse judgment in this proceeding. Paper 15 at 2. On June 26, 2014, the Board pre-authorized, and the parties filed, a Joint Motion for Adverse Judgment (Paper 16) accompanied by a copy of Patent Owner's statutory disclaimer of all challenged claims, namely, claims 1, 5-8, 10, and 11. Paper 16 at 2, Ex. A (Disclaimer, executed June 24, 2014); Paper 17 at 2 (Order, summarizing telephonic conference of June 26, 2014).

DISCUSSION

A party may request entry of judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed as a request for adverse judgment include cancellation or disclaimer of patent claims, such that the party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2). Patent Owner has filed a statutory disclaimer that leaves no patent claim remaining in this *inter partes* review. Paper 16 at 2, Ex. A. Under these circumstances, entry of judgment adverse to Patent Owner is appropriate.

CONCLUSION

The Joint Motion for Adverse Judgment is *granted*.

It is

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

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

PETITIONER:

Ralph Selitto
selittor@gtlaw.com

John Kim
kimjo@gtlaw.com

Joseph Agostino
agostinoj@gtlaw.com

PATENT OWNER:

John Siragusa
jsiragusa@cgolaw.com

Theodore Olds
tolds@cgolaw.com