

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HANDI QUILTER, INC. and TACONY CORPORATION,
Petitioner,

v.

BERNINA INTERNATIONAL AG,
Patent Owner.

Case IPR2014-00270
Patent 6,883,446 B2

Before FRED E. McKELVEY, JENNIFER S. BISK, and
MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

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

On December 30, 2014, we instituted this *inter partes* review of claims 8, 9, 11, 14–16, 22, and 32 of U.S. Patent No. 6,883,446 B2 (“the ’446 patent”). Paper 17. On July 2, 2015, Patent Owner, Bernina International AG, filed a request for adverse judgment asking that we cancel all of these claims. Paper 22.

Under 37 C.F.R. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Actions construed as a request for entry of adverse judgment include cancellation of a claim such that Patent Owner has no remaining claim in the trial. 35 U.S.C. § 42.73(b)(2). Here, Patent Owner not only has requested cancellation of every claim remaining in the trial, but also expressly has requested entry of adverse judgment. Paper 22.

ORDER

Accordingly, it is:

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

FURTHER ORDERED that claims 8, 9, 11, 14–16, 22, and 32 of the ’446 patent will be cancelled.

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Patent 6,883,446 B2

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