

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC. AND MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

LIFEPORT SCIENCES LLC,
Patent Owner.

Case IPR2014-00284
Patent 5,562,728

Before LORA M. GREEN, SCOTT E. KAMHOLZ, and
BARBARA A. BENOIT, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

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

On October 2, 2014, Lifeport Sciences LLC filed a notice of filing of a disclaimer as to claims 1-3, 9-18, 23, 27-31, and 33-35 of U.S. Patent No. 5,562,728. Paper 18. Lifeport Sciences requested termination under 37 C.F.R. § 42.73(b)(2) (*id.*) and submitted a copy of a statutory disclaimer of claims 1-3, 9-18, 23, 27-31, and 33-35 (Ex. 2001) that it filed the same day.

The Board construes disclaimer of all claims at issue in a trial as a request for adverse judgment. 37 C.F.R. § 42.73(b)(2). Because Lifeport Sciences has disclaimed all claims at issue in this proceeding, entry of judgment against it is appropriate.

Accordingly, it is

ORDERED that Lifeport Sciences' request for judgment against itself with respect to claims 1-3, 9-18, 23, 27-31, and 33-35 of U.S. Patent No. 5,562,728 is *granted*;

FURTHER ORDERED that the Trial Hearing scheduled for this proceeding on February 18, 2015 is cancelled; and

FURTHER ORDERED that judgment is entered herein against Lifeport Sciences with respect to claims 1-3, 9-18, 23, 27-31, and 33-35 of U.S. Patent No. 5,562,728.

IPR2014-00284
Patent 5,562,728

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