

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVX CORPORATION

Petitioner,

v.

GREATBATCH LTD.

Patent Owner.

Case IPR2014-01461

Patent 7,244,279 B2

Before SCOTT E. KAMHOLZ, JEREMY M. PLENZLER, and
JON B. TORNQUIST, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

JUDGMENT

Request for Adverse Judgment

37 C.F.R. § 42.73(b)

On September 8, 2014, Petitioner, AVX Corporation, filed a petition requesting *inter partes* review of claims 1–20 of U.S. Patent No. 7,244,279. Paper 1. On December 22, 2014, Patent Owner, Greatbatch Ltd., filed a Preliminary Response (Paper 6, “Mot.”) to the Petition, which is limited to the following two sentences:

Patent Owner has decided not to file a substantive response directed to Grounds 1 to 8 raised by AVX Corp. in their Petition. Accordingly, the Patent Owner requests entry of an adverse judgment in Inter Parties Review – Case IPR2014-01461.

Mot. 2.

A party¹ may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Although not titled as such, we interpret Patent Owner’s Preliminary Response as a request for adverse judgment under 37 C.F.R. § 42.73(b).

Accordingly, it is

ORDERED that Patent Owner’s request for judgment against itself is *granted*;

FURTHER ORDERED that judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b) with respect to claims 1–20 of U.S. Patent No. 7,244,279; and

FURTHER ORDERED that claims 1–20 of U.S. Patent No. 7,244,279 are CANCELLED.

¹ The Preliminary Response was signed by Michael F. Scalise. Mot. 2. No power of attorney for Greatbatch Ltd. has been filed in this case; however, Mr. Scalise is identified as counsel of record in the subject patent and may act for Patent Owner in this proceeding. See 37 C.F.R. § 42.10(b).

IPR2014-01461
Patent 7,244,279 B2

FOR PETITIONER:

Tim F. Williams
Jason W. Johnston
DORITY & MANNING, P.A.
timw@dority-manning.com
jwj@dority-manning.com

FOR PATENT OWNER:

Michael F. Scalise
GREATBATCH, INC.
mscalise@greatbatch.com