

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARTSANA USA, INC.,
Petitioner,

v.

KOLCRAFT ENTERPRISES, INC.,
Patent Owner.

Case IPR2015-00286
Patent 8,764,612 B2

Before JAMES T. MOORE, HYUN J. JUNG, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

JUDGMENT
Termination of the Proceeding
37 C.F.R. § 42.73

I. INTRODUCTION

Artsana USA, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”) seeking to institute an *inter partes* review of claims 1–5 of U.S. Patent No. 8,764,612 B2 (“the ’612 patent”) pursuant to 35 U.S.C. §§ 311–319. The Board instituted review of claims 1–5 (Paper 10, “Dec.”).

Patent Owner has now requested adverse judgment as to the claims subject to this *inter partes* review. Paper 12.

We have considered the Request for Adverse Judgment, and hereby grant the Patent Owner's request for adverse judgment.

II. RELEVANT RULES

The Board may terminate a trial without rendering a final written decision, where appropriate, including where the trial is consolidated with another proceeding or pursuant to a joint request under 35 U.S.C. 317(a) or 327(a). 37 C.F.R. § 42.72.

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b).

III. ANALYSIS

Patent Owner's Request for Adverse Judgment (Paper 12) requests adverse judgment, and requests that the Board cancel claims 1–5 of the '612 patent. Paper 12, 1–2.

No persuasive reason exists on this record to deny this request.

IV. CONCLUSION

Accordingly, the Request for Adverse Judgment is granted.

V. ORDER

For the reasons given, it is

ORDERED that Patent Owner's request for adverse judgment under 37 C.F.R. § 42.73(b) with respect to claims 1–5 of U.S. Patent No. 8,764,612 B2 is GRANTED; and,

ORDERED that, at the request of the Patent Owner, judgment is entered herein against Patent Owner with respect to claims 1–5 of U.S. Patent No. 8,764,612 B2. Claims 1–5 of U.S. Patent No. 8,764,612 B2 are not patentable and a certificate canceling them shall issue in due course.

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