

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CEQUENT PERFORMANCE PRODUCTS, INC.,
Petitioner,

v.

HOPKINS MANUFACTURING CORPORATION,
Patent Owner.

Case IPR2015-00605
Patent 6,837,551 B2

Before KEN B. BARRETT, WILLIAM V. SAINDON, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

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

On August 17, 2015, we instituted an *inter partes* review of claims 1–8 of U.S. Patent No. 6,837,551 B2. Paper 7. In an email on November 30, 2015 (10:52 a.m.), Petitioner requested a teleconference with the Board “to discuss the status of the proceeding based on the expired November 16, 2016 [sic, 2015], deadline for patent owner to file its response.” We declined the request for a conference call and, instead, issued an Order requiring Patent Owner to file a paper indicating whether it is abandoning the contest. Paper 13. On December 7, 2015, Patent Owner filed a Notice stating: “patent owner abandons this contest and acknowledges that such abandonment will lead to cancellation of the claims involved in this *inter partes* review.” Paper 14.

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Pursuant to 37 C.F.R. § 42.73(b)(4), “[a]bandonment of the contest” is construed as a request for adverse judgment. Accordingly, we interpret Patent Owner’s Notice as a request for adverse judgment. Under these circumstances, the entry of judgment adverse to the Patent Owner and cancellation of the claims is appropriate.

Accordingly, it is:

ORDERED that Patent Owner’s request for adverse judgment under 37 C.F.R. § 42.73(b) with respect to claims 1–8 of U.S. Patent No. 6,837,551 B2 is *granted*; and

FURTHER ORDERED that claims 1–8 of U.S. Patent No. 6,837,551 B2 shall be *canceled*.

IPR2015-00605
Patent 6,837,551 B2

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