

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CATERPILLAR, INC.,
Petitioner,

v.

ESCO CORPORATION,
Patent Owner.

Case IPR2015-01032
Patent 8,689,472 B2

Before PHILLIP J. KAUFFMAN, SCOTT A. DANIELS, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

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

I. INTRODUCTION

On June 8, 2016, Patent Owner, Esco Corporation (“Esco”), filed a Notice of a Related Administrative Matter, Filing of a Disclaimer. Paper 21. On June 8, 2016, Esco filed a disclaimer of claims 15–17 in U.S. Patent No. 8,689,472 B2 (the “472 patent”). Ex. 2054. On October 15, 2015, we instituted an *inter partes* review of claims 15–17. Paper 12, 26. Thus,

Esco's action constitutes a disclaimer of all claims challenged in this *inter partes* review such that it has no remaining claim in the trial.

II. DISCUSSION

Under 35 U.S.C. § 42.73(b), “a party may request judgment against itself at any time during a proceeding.” We interpret Esco's disclaimer of claims such that it has no remaining claim in the trial to be a request for adverse judgment. 37 C.F.R. § 42.73(b)(2). Accordingly, we determine that Esco's disclaimer of claims 15–17 of the '472 patent meets the conditions for termination of this review and entry of judgment against Esco. 37 C.F.R. § 42.73(a).

III. ORDER

For the reasons stated above, it is:

ORDERED that judgment is entered against Esco with respect to claims 15–17 of U.S. Patent No. 8,689,472 B2 pursuant to 37 C.F.R. § 42.73(a).

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