

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCK KGAA,
Petitioner,

v.

JNC CORPORATION and JNC PETROCHEMICAL CORPORATION,
Patent Owner.

Case IPR2015-01310
Patent 8,728,590 B2

Before GRACE KARAFFA OBERMANN, KRISTINA M. KALAN and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

ROESEL, *Administrative Patent Judge*.

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

On November 24, 2015, we instituted *inter partes* review of claims 1–17 of U.S. Patent No. 8,728,590 B2 (“the ’590 patent”). Paper 10. On February 10, 2016, Patent Owner, JNC Corporation and JNC Petrochemical Corporation, filed a Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b)(2), requesting cancellation of claims 1–17 of the ’590 patent. Paper 13. Patent Owner represents that, on February 8, 2016, it filed Reissue Application No. 15/018,737 regarding the ’590 patent. *Id.* n.1. By Preliminary Amendment filed in Reissue Application No. 15/018,737, claims 1–17 of the ’590 patent are cancelled, and claims 18–88 are presented for examination.

A party may request entry of adverse judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed to be a request for adverse judgment include cancellation of a patent claim such that a party has no remaining claim in the trial. 37 C.F.R. § 42.73(b)(2).

Patent Owner’s request for cancellation of claims 1–17 of the ’590 patent leaves no claim remaining for trial. Accordingly, entry of judgment against Patent Owner pursuant to 37 C.F.R. § 42.73(b) is appropriate.

ORDER

Accordingly, it is:

ORDERED that Patent Owner’s Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b)(2) is *granted*;

FURTHER ORDERED that claims 1–17 of U.S. Patent No. 8,728,590 B2 are *cancelled*; and

FURTHER ORDERED that judgment is entered against Patent Owner with respect to claims 1–17 of U.S. Patent No. 8,728,590 B2.

IPR2015-01310
Patent 8,728,590 B2

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