

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTWAY FEED PRODUCTS, LLC,
Petitioner,

v.

PELLET TECHNOLOGY USA, LLC,
Patent Owner.

Case: IPR2015-01621
U.S. Patent No. 8,551,549 B2

Before GRACE KARAFFA OBERMANN, JO-ANNE M. KOKOSKI, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

ANKENBRAND, *Administrative Patent Judge*.

JUDGMENT AND FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73(b)

BACKGROUND

On January 22, 2016, we instituted review of claims 23–28 and 30 of U.S. Patent No. 8,551,549 B2 (“the ’549 patent”). Paper 8. On March 3, 2016, pursuant to Board authorization, see Paper 10, Patent Owner filed a motion for entry of adverse judgment requesting cancellation of claims 23–28 and 30 of the ’549 patent and entry of adverse judgment. Paper 11. Patent Owner represents that Petitioner does not oppose the motion. *Id.* at 2.

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Here, Patent Owner has requested cancellation of each claim for which *inter partes* review has been instituted, and thus Patent Owner has no remaining claim in the trial. *Id.* § 42.73(b)(2). Under these circumstances, the entry of judgment adverse to Patent Owner and cancellation of the claims as requested is appropriate.

CONCLUSION AND ORDER

It is, therefore,

ORDERED that Patent Owner’s request for entry of adverse judgment is *granted*;

FURTHER ORDERED that judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b) with respect to claims 23–28 and 30 of the ’549 patent;

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a); and

FURTHER ORDERED that claims 23–28 and 30 of the ’549 patent are cancelled.

IPR2015-01621

Patent 8,551,549 B2

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