

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SBB MANUFACTURING COMPANY (p/k/a/ SIMMONS BEDDING
COMPANY),
Petitioner,

v.

L&P PROPERTY MANAGEMENT COMPANY,
Patent Owner.

Case IPR2016-00183
Patent 7,522,062 B2

Before MICHAEL P. TIERNEY, JOSIAH C. COCKS, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

JUDGMENT

Termination of the Proceeding

37 C.F.R. § 42.73(b)

On April 27, 2016, we instituted trial on claims 1–20 of U.S. Patent No. 7,522,062 B2 (the “’062 patent”). Paper 6. On July 21, 2016, Patent Owner, L&P Property Management Co. (“L&P”), filed a Request for Adverse Judgment pursuant to 37 C.F.R. § 42.73(b) (the “Request”). Paper 18. Concurrent with filing the Request, Patent Owner filed updated Mandatory Notices pursuant to 37 C.F.R. § 42.8. Paper 17.

In the update to its Mandatory Notices, L&P represents that it filed a narrowing reissue application, U.S. Application No. 15/213,669, for the ’062 patent. Paper 17, 2. In the Request, L&P asks the Board to cancel claims 1–20 and enter adverse judgment against L&P. Paper 18, 2. L&P indicates that the same claims sought to be canceled in the Request are sought to be cancelled in the reissue application. *Id.*

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 cancelation of patent claims such that a party has no remaining claim in the trial. *Id.* Patent Owner’s request to cancel claims 1–20 of the ’062 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.

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 1–20 of U.S. Patent No. 7,522,062 B2 are canceled; and

FURTHER ORDERED that judgment is entered against Patent Owner with respect to claims 1–20 of U.S. Patent No. 7,522,062 B2.

IPR2016-00183
Patent 7,522,062 B2

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