

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NORDISCHER MASCHINENBAU RUD. BAADER GMBH + CO. KG,
Petitioner,

v.

GIORDANO POULTRY PLAST S.P.A. and MASSIMO ZANOTTI,
Patent Owner.

Case IPR2016-00271
Patent 6,851,389 B2

Before HOWARD B. BLANKENSHIP, HYUN J. JUNG, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

ADVERSE JUDGMENT
37 C.F.R. § 42.73(b)

We instituted an *inter partes* review as to claims 1–3 and 5 of U.S. Patent No. 6,851,389 B2 on May 9, 2016. Paper 11. On July 29, 2016, counsel for Patent Owner notified the Board via electronic mail communication that it will not be filing a patent owner response or a motion to amend the patent.

On August 5, 2016, following a conference call with the parties, the Board received the following electronic mail communication from counsel for Patent Owner: “Members of the PTAB and Counsel for Petitioners, We have just today heard from the patent owner. We have been instructed to file a request for adverse judgment in this above matter.” Because a request for adverse judgment had not been filed by Patent Owner, we entered an Order to Show Cause giving Patent Owner five business days to file a paper to show cause why adverse judgment under 37 C.F.R. § 42.73(b) should not be entered against it. Paper 14, 3. We cautioned Patent Owner that upon failure to respond or absent a showing of good cause, adverse judgment will be entered against it as to the claims upon which trial was instituted. *Id.* The Board has not received a response from Patent Owner to the Order to Show Cause within the allotted time.

ORDER

It is

ORDERED that adverse judgment is entered against Patent Owner as to claims 1–3 and 5 of U.S. Patent No. 6,851,389 B2; and

FURTHER ORDERED that claims 1–3 and 5 of U.S. Patent No. 6,851,389 B2 are canceled.

IPR2016-00271
Patent 6,851,389 B2

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