

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

nXn PARTNERS, LLC,
Petitioner,

v.

NISSAN CHEMICAL INDUSTRIES, LTD.,
Patent Owner.

Case IPR2016-00694
Patent 8,796,464 B2

Before LORA M. GREEN, TINA E. HULSE, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

GREEN, *Administrative Patent Judge*.

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

Petitioner, nXn Partners, LLC, filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claim 1 of U.S. Patent No. 8,796,464 B2 (Ex. 1001, “the ’464 patent”). Patent Owner, Nissan Chemical Industries, Ltd., filed a Preliminary Response to the Petition. Paper 6 (“Prelim. Resp.”).

On August 31, 2016, we granted the Petition to institute an *inter partes* review as to claim 1 of the ’464 patent. Paper 7. On September 28, 2016, Patent Owner filed a paper stating that it “hereby abandons the contest pursuant to 37 C.F.R. § 42.73(b)(4).” Paper 12.

Pursuant to Board rules, “[a]ctions construed to be a request for adverse judgment include . . . [a]bandonment of the contest.” 37 C.F.R. § 42.73(b)(4). As Patent Owner has stated explicitly that it is abandoning the contest, we determine that under these circumstances, the entry of judgment adverse to Patent Owner and cancellation of claim 1 is appropriate.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s request for adverse judgment under 37 C.F.R. § 42.73(b) with respect to claim 1 of U.S. Patent No. 8,796,464 B2 is GRANTED;

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

FURTHER ORDERED that claim 1 of U.S. Patent No. 8,796,464 B2 be CANCELLED.

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