

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COOK MEDICAL LLC,
Petitioner,

v.

STONE BASKET INNOVATIONS LLC,
Patent Owner.

Case IPR2016-00713
Patent 6,551,327 B1

Before PHILLIP J. KAUFFMAN, BARRY L. GROSSMAN, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

PAULRAJ, *Administrative Patent Judge*.

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

On September 8, 2016, the Board instituted this *inter parte* review of claims 1–8 of U.S. Patent No. 6,551,327 B1 (“the ’327 patent”). Paper 8. On December 6, 2016, Patent Owner filed a Request for Entry of Adverse Judgment requesting that the Board enter a final adverse judgment with respect to the challenged claims upon which we instituted trial. Paper 13, 1. No Motion to Amend has been filed in this proceeding.

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 1–8 of the ’327 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.

It is:

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

FURTHER ORDERED that claims 1–8 of U.S. Patent No. 6,551,327 B1 are *canceled*.

IPR2016-00713
Patent 6,551,327 B1

PETITIONER:

Melissa Anyetei
Chandra Critchelow
MAYER BROWN LLP
manyetei@mayerbrown.com
ccritchelow@mayerbrown.com

PATENT OWNER:

Albert Deaver
Jeffrey Andrews
SUTTON MCAUGHAN DEAVER PLLC
adeaver@smd-iplaw.com
jandrews@smd-iplaw.com