

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BARN LIGHT ELECTRIC COMPANY, LLC,
Petitioner,

v.

JEFFREY OHAI,
Patent Owner.

Case IPR2017-00145
Patent 9,234,651 B2

Before PHILLIP J. KAUFFMAN, BARRY L. GROSSMAN, and
GEORGE R. HOSKINS, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Request for Adverse Judgment
37 C.F.R. §§ 42.72 & 42.73

On May 25, 2017, the Board instituted a review of the patentability of claims 1–6 of U.S. Patent No. 9,234,651 B2 (“the ’651 patent”), which are all of the claims in the ’651 patent. Paper 9. On August 18, 2017, Jeffrey Ohai (“Patent Owner”) filed a Request for Adverse Judgment Under 37 C.F.R. § 42.73(b). Paper 11 (“Request”). The Request seeks cancellation of all claims in the ’651 patent, and termination of this proceeding via entry of judgment against Patent Owner. *Id.* On August 22, 2017, Barn Light Electric Company, LLC (“Petitioner”) filed a Response to the Request, indicating Petitioner does not oppose the Request. Paper 12. Accordingly, the Request is ripe for decision.

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Under the Board’s Rules, actions construed as a request for entry of adverse judgment include “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial” as well as “[a]bandonment of the contest.” *Id.* § 42.73(b)(2), (4). Here, Patent Owner correspondingly has requested cancellation of all claims in the ’651 patent, and termination of the proceeding via entry of judgment against Patent Owner. Paper 11.

Having reviewed Patent Owner’s Request and Petitioner’s Response, we determine entry of judgment against Patent Owner with respect to all claims in the ’651 patent is appropriate. We, therefore, grant the Request. Because no challenged claim remains in the trial, we terminate the proceeding. 37 C.F.R. § 42.72.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that adverse judgment is entered under 37 C.F.R.
§ 42.73(b) against Patent Owner with respect to all claims 1–6 of U.S. Patent
No. 9,234,651 B2; and

FURTHER ORDERED that this proceeding is TERMINATED.

IPR2017-00145
Patent 9,234,651 B2

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