

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

III HOLDINGS 4, LLC,
Patent Owner.

Case IPR2017-00367
U.S. Patent No. 8,611,570 B2

Before JAMES T. MOORE, JASON J. CHUNG, and
KIMBERLY McGRAW, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

JUDGMENT
Request for Adverse Judgment
37 C.F.R. § 42.73(b)

K/S HIMPP (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–5 (“the challenged claims”) of U.S. Patent No. 8,611,570 B2 (Ex. 1001, “the ’570 Patent”). Paper 2 (“Pet.”). The ’570 patent is assigned to III Holdings 4, LLC (“Patent Owner”). See Pet. 1. Patent Owner did not file a Preliminary Response. On July 3, 2017, we instituted trial as to claims 1–5 of the ’570 patent. Paper 10.

On January 15, 2018, Patent Owner informed the Board via email that it intended on filing a statutory disclaimer of the ’570 patent. On January 22, 2019, Patent Owner filed a “Disclaimer in Patent under 37 CFR 1.321(a)” with the Patent Office disclaiming claims 1–5 of the ’570 patent. Ex. 3001.

Patent Owner’s disclaimer of claims 1–5 of the ’570 patent, all claims for which trial was instituted such that there is no remaining claim in the trial, is construed as a request for entry of adverse judgment. 37 C.F.R. § 42.73(b)(2). The request is *granted*.

Accordingly, it is

ORDERED that Patent Owner’s request for adverse judgment is *granted*;

FURTHER ORDERED that judgment is herein entered against Patent Owner with respect to claims 1–5 of the ’570 patent;

FURTHER ORDERED that claims 1–5 of the ’570 patent are herein *cancelled*; and

FURTHER ORDERED that all scheduled Due Dates (Papers 11, 15) are *vacated* and the hearing scheduled for March 27, 2018 is *cancelled*.

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Patent 8,611,570 B2

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