

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DENSO CORPORATION, DENSO INTERNATIONAL AMERICA, INC.,
AMSO CO. LTD., TOYOTA MOTOR CORPORATION,
NIDEC CORPORATION, and AMERICAN HONDA MOTOR CO., INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2017-01631¹
Patent 7,067,952 B2

Before KRISTEN L. DROESCH, JOHN A. HUDALLA, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

JUDGMENT
37 C.F.R. § 42.73

Denso Corporation, Denso International America, Inc., AMSO Co. Ltd., and Toyota Motor Corporation filed a petition requesting an *inter partes* review of claims 1–6 and 8–14 of U.S. Patent No. 7,067,952 B2 (“the

¹ Case IPR2018-00598 has been joined with this proceeding.

'952 Patent"). Paper 1. We instituted review of claims 1–6 and 8–14 on all of the grounds of unpatentability presented. Paper 11. Subsequently, Nidec Corporation and American Honda Motor Co. filed a petition requesting an *inter partes* review of claims 1–6 and 8–14 of the '952 Patent, along with a Motion for Joinder as a party to Case IPR2017–01631. See Case IPR2018-00598, Papers 1, 4. We granted the Motion for Joinder. See Paper 19.

On June 11, 2018, Intellectual Ventures II LLC ("Patent Owner"), submitted a notice informing us that it had filed a statutory disclaimer of claims 1–6 and 8–14 of the '952 Patent. Paper 21, 1; *see also* Ex. 2007. In the notice, Patent Owner stated: "Because there is no longer any patent claim challenged by Petitioner[], the Board may terminate this IPR without entry of a Final Written Decision." Paper 21, 1 (citing 35 U.S.C. § 318(a); 37 C.F.R. § 42.72).

Our rules provide that "[a] party may request judgment against itself at any time during a proceeding." 37 C.F.R. § 42.73(b). Moreover, certain actions taken by a party, such as the "[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial," can be construed as a request for adverse judgment against that party. *Id.* § 42.73(b)(2). Pursuant to 37 C.F.R. § 42.73(b)(2), we construe Patent Owner's disclaimer of claims 1–6 and 8–14 as a request for adverse judgment because the disclaimer leaves Patent Owner with no remaining claim in this trial. See Ex. 2007. Accordingly, on the record before us, we enter adverse judgment against Patent Owner pursuant to 37 C.F.R. § 42.73(b) and terminate the trial pursuant to 37 C.F.R. § 42.72.

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It is:

ORDERED that Patent Owner's disclaimer is construed to be a request for adverse judgment pursuant to 37 C.F.R. § 42.73(b)(2);

FURTHER ORDERED that adverse judgment is entered against Patent Owner; and

FURTHER ORDERED that this proceeding is hereby terminated.

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