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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUBEI GRAND LIFE SCIENCE AND TECHNOLOGY CO., LTD.,
Petitioner,

v.

VITAWORKS IP, LLC,
Patent Owner.

Case IPR2018-01767 (Patent 9,428,451 B2)
Case IPR2018-01768 (Patent 9,573,890 B2)

Before ERICA A. FRANKLIN, JENNIFER MEYER CHAGNON, and TIMOTHY G. MAJORS, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

JUDGMENT
Granting Requests for Adverse Judgment and Terminating the Proceedings
37 C.F.R. § 42.73(b)

On April 10, 2019, we instituted an *inter partes* review in IPR2018-01767 of claims 1–8 of U.S. Patent No. 9,428,451 B2 (Ex. 1001, "the '451 patent"). Case IPR2018-01767, Paper 10. On the same date, we instituted an *inter partes* review in IPR2018-01768 of claims 1 and 3–10 of U.S. Patent No. 9,573,890 B2 (Ex. 1001, "the '890 patent"). Case IPR2018-01768, Paper 10.

Pursuant to 37 C.F.R § 42.73(b)(2), a party may request judgment against itself at any time during a proceeding. 37 C.F.R § 42.73(b). On June 28, 2019, Patent Owner filed a Request for Adverse Judgment in both proceedings. Case IPR2018-01767, Paper 17; Case IPR2018-01768, Paper 18. In those requests, Patent Owner also asks the Board to cancel claims 1–8 of the '451 patent and to cancel claims 1 and 3–10 of the '890 patent. Case IPR2018-01767, Paper 17; Case IPR2018-01768, Paper 18. Those claims constitute all of the challenged claims in each proceeding. Thus, upon such cancellation, no claims will remain in either proceeding. The cancellation of claims "such that the party has no remaining claim in the trial" is an action, on its own, construed as a request for adverse judgment. 37 C.F.R § 42.73(b)(2).

Based on the foregoing, it is hereby

ORDERED that Patent Owner's requests to cancel claims 1–8 of the '451 patent and to cancel claims 1 and 3–10 of the '890 patent are granted;

FURTHER ORDERED that Patent Owner's Requests for Adverse Judgment against itself under 37 C.F.R § 42.73(b)(2) with respect to the instituted *inter partes* reviews in IPR2018-01767 and IPR2018-01768 are *granted*;

FURTHER ORDERED that judgment is entered against Patent Owner in IPR2018-01767 and IPR2018-01768; and

FURTHER ORDERED, that the proceedings are *terminated*.

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