

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOWTECH, INC.,
Petitioner,

v.

MCP IP, LLC,
Patent Owner.

Case IPR2019-00379
Patent 8,443,791 B2

Before SCOTT C. WEIDENFELLER, *Vice Chief Administrative Patent Judge*, PHILLIP J. KAUFFMAN, and MICHAEL W. KIM, *Administrative Patent Judges*.

WEIDENFELLER, *Vice Chief Administrative Patent Judge*.

JUDGMENT
Granting Request for Adverse Judgment After
Institution of Trial
37 C.F.R. § 42.73(b)

On October 18, 2019, MCP IP, LLC (“Patent Owner”) filed a Request for Adverse Judgment Pursuant to 37 C.F.R. § 42.73(b)(2). Paper 22 (“Request”).

BACKGROUND

On July 3, 2019, the Board instituted an *inter partes* review of claims 1, 12, and 13 of U.S. Patent No. 8,443,791 B2 (“the ’791 patent”). Paper 14. On October 15, 2019, Patent Owner filed a statutory disclaimer (Ex. 2015, “Disclaimer”) with the United States Patent and Trademark Office pursuant to 37 C.F.R. § 1.321(a), disclaiming claims 1, 12, and 13 of the ’791 patent. Request 1.

DISCUSSION

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). 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.” *Id.* Patent Owner has disclaimed, under 37 C.F.R. § 1.321(a), claims 1, 12, and 13 of the ’791 patent, and explicitly requests that the Board enter adverse judgment against it with respect to claims 1, 12, and 13, the only claims at issue in this trial. Request 1.

Having reviewed the Disclaimer and Request, we determine that entry of judgment against Patent Owner with respect to claims 1, 12, and 13 of the ’791 patent is appropriate.

ORDER

Accordingly, it is

ORDERED that adverse judgment is entered under 37 C.F.R.
§ 42.73(b) against Patent Owner with respect to claims 1, 12, and 13 of the
'791 patent;

FURTHER ORDERED that all scheduled Due Dates (*see* Paper 15)
are vacated; and

FURTHER ORDERED that this Order constitutes a final written
decision under 35 U.S.C. § 318(a).

PETITIONER:

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