

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ISOMETRICS, INC.,
Petitioner,

v.

GENERAL TRANSERVICE, INC.,
Patent Owner.

Case IPR2019-00801
Patent RE46,607 E

Before HUBERT C. LORIN, LINDA E. HORNER, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

LORIN, *Administrative Patent Judge*.

JUDGMENT
Termination of Proceeding
37 C.F.R. § 42.73

I. INTRODUCTION

Isometrics, Inc. (“Petitioner”) filed a Petition for an *inter partes* review of claims 13–16 of U.S. Patent RE46,607 E (Ex. 1001, “the ’607 patent”) under 35 U.S.C. §§ 311–319. See Paper 1 (“Petition” or “Pet.”). The Board instituted review of claims 13–16 (Paper 5, “Dec.”). Patent Owner General Transervice, Inc. now requests adverse judgment as to all the claims subject to this *inter partes* review. Paper 7 (“Request”).¹ Petitioner does not oppose this request. Ex. 2001, 6:2–5.

We have considered the Request for Adverse Judgment and hereby grant Patent Owner’s Request.

II. RELEVANT RULES

The Board may terminate a trial without rendering a final written decision, where appropriate. 37 C.F.R. § 42.72. A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed to be a request for adverse judgment include abandonment of the contest. 37 C.F.R. § 42.73(b)(4).

III. ANALYSIS

Patent Owner’s Request for Adverse Judgment indicates that “Patent Owner abandons the contest, and respectfully requests that the Board cancel claims 13–16 of U.S. Patent No. RE46,607.” Paper 7, 2.

No persuasive reason exists on this record to deny this request. Accordingly, the Request for Adverse Judgment is granted.

¹ Patent Owner’s request to file a request for adverse judgment under Rule 42.73(b) was authorized during a conference call with the parties on December 12, 2019. Ex. 2001, 6:19–20.

IV. ORDER

For the reasons given, it is

ORDERED that Patent Owner's Request for Adverse Judgment under 37 C.F.R. § 42.73(b) with respect to claims 13–16 of U.S. Patent RE46,607 E is *GRANTED*; and

FURTHER ORDERED that judgment is entered herein against Patent Owner with respect to claims 13–16 of U.S. Patent RE46,607 E.

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