

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAXLITE, INC.,
Petitioner,

v.

JIAXING SUPER LIGHTING ELECTRIC APPLIANCE CO., LTD.,
Patent Owner.

IPR2020-00162
Patent 9,897,265 B2

Before BRYAN F. MOORE, BRIAN J. McNAMARA, and
NEIL T. POWELL, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

JUDGMENT

Granting Patent Owner's Request for Adverse Judgment

37 C.F.R. § 42.73(b)

Jiaxing Super Lighting Electric Appliance Co., Ltd. ("Patent Owner") has filed a Motion for Adverse Judgment as to claims 1–3, 9, 10, 12, 14, 15, 19, and 22. Paper 26, 1 ("Mot."). For the reasons discussed below, we grant Patent Owner's request.

I. INTRODUCTION

A. Background

Maxlite, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–3, 9, 10, 12, 14, 15, 19, and 22 (the “challenged claims”) of U.S. Patent No. 9,897,265 B2 (Ex. 1001, the “’265 patent”). Paper 1 (“Pet.”). On May 19, 2020, we instituted inter partes review of all challenged claims. Paper 23.

On June 6, 2020, Patent Owner filed the instant Motion for Adverse Judgment.

ANALYSIS

Rule 42.73(b) permits a party to “request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b). Patent Owner statutorily disclaimed claims 1–3, 9, 10, 12, 14, 15, 19, and 22 under 37 C.F.R. § 1.321(a) and subsequently requested adverse judgment as to those claims which were challenged in the Petition. Mot. 1. Petitioner did not respond to the motion. Under the circumstances presented here, we find it is appropriate to grant Patent Owner’s request for adverse judgment on the identified claims thus resolving this *inter partes* review.

ORDER

For the reasons discussed above, it is:

ORDERED that Patent Owner’s request for adverse judgment (Paper 26) is *granted*, and

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FURTHER ORDERED that judgment is entered against Patent Owner under 37 C.F.R. § 42.73(b) with respect to claims 1–3, 9, 10, 12, 14, 15, 19, and 22 of the '265 patent, the only claims at issue in this proceeding.

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