

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

ARSUS, LLC,
Patent Owner.

IPR2020-00948
Patent 10,259,494 B2

Before HYUN J. JUNG, RICHARD J. SMITH, and
JASON W. MELVIN, *Administrative Patent Judges*.

MELVIN, *Administrative Patent Judge*.

JUDGMENT

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

Unified Patents, Inc., filed a Petition (Paper 1, “Pet.”) requesting institution of *inter partes* review of claims 1–5, 8–12, 21, and 22 (“the challenged claims”) of U.S. Patent No. 10,259,494 B2 (Ex. 1001, “the ’494 patent”). Arsus, LLC, (“Patent Owner”) filed a Preliminary Response. Paper 6. Pursuant to 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a), we instituted review. Paper 15.

On December 9, 2020, Patent Owner filed a “Motion to Dismiss.” Paper 17 (“Motion”). In the Motion, Patent Owner includes a copy of a statutory disclaimer pursuant to 37 C.F.R. § 1.321(a), in which Patent Owner disclaimed all interest in the challenged claims. Motion 4–6.

Under our rules, a party may request adverse judgment against itself at any time during a proceeding, and we construe a disclaimer of all claims involved in a trial as a request for adverse judgment. 37 C.F.R. § 42.73(b). Because Patent Owner has disclaimed all challenged claims, we construe Patent Owner’s Motion as a Request for Adverse Judgment. Having satisfied the regulatory standard, we grant Patent Owner’s request.

Accordingly, it is

ORDERED that, pursuant to 37 C.F.R. § 42.73(b), *inter partes* review of claims 1–5, 8–12, 21, and 22 of the ’494 patent is terminated.¹

¹ Patent Owner is reminded of the applicable estoppel provisions in 37 C.F.R. § 42.73(d)(3).

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