

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPECTRUM SOLUTIONS LLC,
Petitioner,

v.

DNA GENOTEK INC.,
Patent Owner.

IPR2022-00774
Patent 10,000,795 B2

Before ERICA A. FRANKLIN, DAVID COTTA, and JAMIE T. WISZ,
Administrative Patent Judges.

FRANKLIN, *Administrative Patent Judge.*

JUDGMENT

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

Spectrum Solutions LLC (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–18 of U.S. Patent No. 10,000,795 B2 (Ex. 1001, “the ’795 patent”). Paper 1 (“Pet.”). DNA Genotek Inc. (“Patent Owner”) elected not to file a Preliminary Response. On October 12, 2022, we instituted an *inter partes* review of the challenged claims. Paper 6.

With our authorization, Ex. 3001, Patent Owner filed a Request for Adverse Judgment, Paper 10. “A party may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b). In the filing, Patent Owner explains that it submits the request for entry of adverse judgment against itself “pursuant to 37 C.F.R. § 42.73(b)(2) (allowing a party to request an adverse judgment at any time by ‘[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial’).” Paper 10, 1. Patent Owner has not identified a statutory disclaimer filed under 35 U.S.C. § 253(a) in compliance with 37 C.F.R. § 1.321(a). Accordingly, we understand that Patent Owner’s request for adverse judgment is not based upon a disclaimer, but instead a request that we cancel claims 1–18 of the ’795 patent, such that no claims will remain in the proceeding. Additionally, we note that Patent Owner explains that Petitioner does not oppose the request for adverse judgment. *Id.*

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s Request for Adverse Judgment against itself under 37 C.F.R. § 42.73(b)(2) with respect to IPR2022-00774 (and cancelling claims 1–18 of the ’795 patent) is *granted*;

FURTHER ORDERED that judgment is entered against Patent Owner; and

FURTHER ORDERED that the proceeding is *terminated*.

IPR2022-00774
Patent 10,000,795 B2

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