Paper 14

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEX RECREATION CORP.,
Petitioner,

v.

BESTWAY INFLATABLES AND MATERIAL CORP.,
Patent Owner.

Case No. IPR2023-00488
Patent No. 10,687,633

PATENT OWNER'S REQUEST FOR ENTRY OF ADVERSE JUDGMENT PURSUANT TO 37 C.F.R. § 42.73(b)(2)

The Board instituted review of challenged claims 3–15 and 17 of U.S Patent No. 10,687,633 B2 on September 19, 2023. (Paper 12) Patent Owner respectfully requests that the Board enter adverse judgment cancelling claims 3–15 and 17 of U.S Patent No. 10,687,633 B2 pursuant to 37 C.F.R. § 42.73(b)(2) (allowing a party to request an adverse judgment at any time by "cancel[ing] . . . a claim such that the party has no remaining claim in the trial"). Patent Owner's decision to cancel claims 3–15 and 17 is not an admission regarding the merits of Petitioner's position that the claims are unpatentable and/or that the asserted references taken alone, or in combination, teach or suggest all the limitations of the claims.

Counsel for Petitioner has stated that Petitioner does not oppose the requested relief.

Dated: December 13, 2023

Respectfully submitted,

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that on December 13, 2023, I will cause a true and correct copy of the foregoing Patent Owner's Request for Adverse Judgment Pursuant to 37 C.F.R. § 42.73(b)(2), and all associated exhibits or appendices referred to therein (if any), to be served via e-mail to Petitioner's counsel of record at:

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