

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUASAR SCIENCE LLC,
Petitioner,

v.

COLT INTERNATIONAL CLOTHING, INC. d/b/a COLT LED,
Patent Owner.

IPR2023-00611
Patent 10,197,224 B1

Before GEORGIANNA W. BRADEN, ZHENYU YANG, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

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

I. INTRODUCTION

On October 10, 2023, we instituted an *inter partes* review of 1, 3, 4, 7–13, 23, 25, 26, 28, 29–39, and 41–45 of U.S. Patent No. 10,197,224 B1 (Ex. 1001, “the ’224 patent”). Paper 10. On July 9, 2024, Colt International Clothing, Inc. d/b/a Colt LED (“Patent Owner”) filed a statutory disclaimer of claims 1, 3, 4, 7–13, 23, 25, 26, 28, 29–39, and 41–45 of the ’224 patent, thereby disclaiming all of the claims challenged in this proceeding. Ex. 2027. Concurrently, Patent Owner filed a Request for Adverse Judgment in this proceeding as well as seeking cancellation of the hearing scheduled for July 16, 2024. Paper 58. Quasar Science LLC (“Petitioner”) does not oppose Patent Owner’s request. *Id.* at 1.

Under 35 U.S.C. § 42.73(b), a party may request judgment against itself at any time during a proceeding. Also, under 37 C.F.R. § 42.73(b)(2), actions construed as a request for entry of adverse judgment include disclaimer of a claim such that the party has no remaining claim in the trial. Here, Patent Owner has not only disclaimed all of the challenged claims of the ’224 patent, such that no claim remains in this proceeding, but also expressly requests entry of adverse judgment. Therefore, under § 42.73(b), adverse judgment is appropriate.

Accordingly, we grant Patent Owner’s requests and enter adverse judgment against Patent Owner pursuant to § 42.73(b), thus terminating this proceeding and cancelling the portion of the July 16, 2024 hearing that was allotted to this proceeding and the ’224 patent.

II. ORDER

It is hereby

ORDERED that, pursuant to 35 U.S.C. § 42.73(b), Patent Owner's request for entry of adverse judgment is *granted*;

FURTHER ORDERED that Patent Owner's request to cancel the portion of the July 16, 2024 hearing that was allotted to this proceeding and the '224 patent is *granted*;

FURTHER ORDERED that judgment is herein entered against Patent Owner with respect to claims 1, 3, 4, 7–13, 23, 25, 26, 28, 29–39, and 41–45 of U.S. Patent No. 10,197,224 B1;

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