

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN CHIC ELECTRICS CO., LTD.,
Petitioner,

v.

PILOT, INC.,
Patent Owner.

IPR2023-00810
Patent 11,376,971 B2

Before JEFFREY W. ABRAHAM, JULIA HEANEY, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

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

Shenzhen Chic Electrics Co., Ltd. (“Petitioner”) filed a petition for an *inter partes* review (Paper 2 (“Pet.”)) challenging claims 1–30 of U.S. Patent No. 11,376,971 B2 (Ex. 1001 (“the ’971 patent”)). Pilot, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). We determined that Petitioner had demonstrated a reasonable likelihood that it would prevail with respect to at least one challenged claim; accordingly, we instituted an *inter partes* review of all challenged claims on all asserted grounds. Paper 12.

After we instituted review, Patent Owner filed a Disclaimer in a Patent Under 37 CFR 1.321(a) with the United States Patent and Trademark Office, disclaiming the entire term of the ’971 patent. Ex. 2002. Patent Owner also filed a Notice alerting us to the disclaimer and requesting that we terminate this proceeding as moot. Paper 16.

The Board construes the disclaimer of a patent as a request for adverse judgment. 37 C.F.R. § 42.73(b)(1) (“Actions construed to be a request for adverse judgment include . . . [d]isclaimer of the involved . . . patent.”). In this case, the Board instituted trial on claims 1–30 of the ’971 patent, and Patent Owner subsequently filed a disclaimer of the entire term of the ’971 Patent. Ex. 2002. Accordingly, we construe Patent Owner’s disclaimer as a request for adverse judgment, and we grant that request.

I. ORDER

For the reasons given, it is:

ORDERED that, adverse judgment is hereby *entered* against Patent Owner pursuant to 37 C.F.R. § 42.73(b)(1) with respect to claims 1–30 of U.S. Patent No. 11,376,971 B2.

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