

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEURENT MEDICAL INC. & NEURENT MEDICAL LTD.
Petitioners,

v.

AERIN MEDICAL INC.,
Patent Owner.

IPR2024-00275
Patent 9,072,597 B2

Before MICHAEL J. FITZPATRICK, ZHENYU YANG, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

FITZPATRICK, *Administrative Patent Judge*.

JUDGMENT

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

Neurent Medical Inc. and Neurent Medical Ltd. (collectively “Petitioner”) filed a Petition to institute an *inter partes* review of claims 9, 14, 16, 18, 20, 22–24, 44, and 46 of U.S. Patent No. 9,072,597 B2 (Ex. 1001, “the ’597 patent”). Paper 3. Patent Owner, Aerin Medical Inc., filed a Preliminary Response. Paper 7. On July 22, 2024, we granted the Petition and instituted an *inter partes* review. Paper 9.

On January 21, 2025, the parties filed a Joint Motion to Terminate and Request For Adverse Judgment. Paper 21 (“Mot.”). In the Joint Motion, the parties “jointly move to terminate the present *inter partes* review proceeding in light of the disclaimer filed by Patent Owner disclaiming all challenged claims.” Mot. 1 (citing 37 C.F.R. § 42.73; Ex. 2001).

The cited exhibit is a disclaimer, filed October 24, 2024, under 37 C.F.R. § 1.321(a), of claims 9, 14, 16, 18, 20, 22–24, 44, and 46 of the ’597 patent, which constitute all of the claims challenged in the *inter partes* review. Ex. 2001. In view of the disclaimer, “Patent Owner requests entry of adverse judgment as to [the challenged and now disclaimed] claims.” Mot. 1.

We grant the Motion. Accordingly, it is:

ORDERED that adverse judgment is entered against Patent Owner as to claims 9, 14, 16, 18, 20, 22–24, 44, and 46 of U.S. Patent No. 9,072,597 B2; and

FURTHER ORDERED that the *inter partes* review is terminated.

IPR2024-00275
Patent 9,072,597 B2

For PETITIONER:

David Cavanaugh
Alexis Cohen
Alexander Nemtzow
Brian Lambson
Gregory Lantier
Joshua Stern

WILMER CUTLER PICKERINGHALE AND DORR LLP

david.cavanaugh@wilmerhale.com
alexis.cohen@wilmerhale.com
alex.nemtzw@wilmerhale.com
brian.lambson@wilmerhale.com
gregory.lantier@wilmerhale.com
joshua.stern@wilmerhale.com

For PATENT OWNER:

Heath J. Briggs
Trenton Ward
Elana Araj
Stephen M. Ullmer
Benjamin P. Gilford
GREENBURG TRAURIG LLP
briggsh@gtlaw.com
Trenton.ward@gtlaw.com
Elana.araj@gtlaw.com
ullmers@gtlaw.com
gilfordb@gtlaw.com