UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ENERGY SOLUTION, LTD.,
SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

MOLECULAR REBAR DESIGN, LLC,
Patent Owner

Case IPR2024-01005[1]
U.S. Patent 9,636,649

MOTION FOR ADVERSE JUDGMENT

[1] Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., which filed a petition in IPR2025-00355, have been joined as petitioners in this proceeding.

Pursuant to 35 U.S.C. § 42.73, and the Board's email authorization of August 29, 2025, Patent Owner respectfully requests that the Board enter adverse judgment against Patent Owner under 37 C.F.R. § 42.73(b)(2) in light of the statutory disclaimer filed by Patent Owner disclaiming all claims of U.S. Patent No. 9,636,649 ("the '649 Patent") and further that the present *inter partes* review proceeding be terminated upon entry of adverse judgment. Petitioner has indicated that it does not oppose the requested relief.

Pursuant to 37 C.F.R. § 42.73, "[a] party may request judgment against itself at any time during a proceeding," and "[a]ctions construed to be a request for adverse judgment include: (1) Disclaimer of the involved application or patent." *See Unified Patents, Inc. v. Arsus, LLC*, IPR2020-00948, Paper 18 at *2 (PTAB Jan. 27, 2021) (explaining that a disclaimer of all claims involved in a trial is interpreted as a request for adverse judgment under 37 C.F.R. § 42.73(b)). On August 25, 2025, Patent Owner filed a Statutory Disclaimer (Exhibit 2014) that disclaims all claims in the '649 Patent. Consequently, no challenged claims remain in this proceeding.

For the foregoing reasons, Patent Owner respectfully request entry of adverse judgment as to all claims of the '649 Patent and that the instant proceeding be terminated upon entry of the adverse judgment. Patent Owner also submits that in light of the adverse judgment, the oral arguments scheduled for September 15 for this proceeding are no longer necessary.

Dated: August 29, 2025

Respectfully submitted,

/*Stephen D. Zinda*/
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Registration No. 67,272
Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4), the undersigned certifies that on August 29, 2025, the foregoing document was served via electronic mail on the following attorneys of record at the indicated e-mail address, which Petitioner has consented to electronic service for:

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