

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEGRATED DNA TECHNOLOGIES, INC.,
Petitioner,

v.

TECAN GENOMICS, INC.,
Patent Owner.

IPR2024-01502
Patent 9,546,399 B2

Before ZHENYU YANG, JAMES A. WORTH, and
TIMOTHY G. MAJORS, *Administrative Patent Judges*.

WORTH, *Administrative Patent Judge*.

ADVERSE JUDGMENT AND TERMINATION AFTER INSTITUTION
37 C.F.R. §§ 42.72, 42.73(b)(2)

I. BACKGROUND

On September 30, 2024, Integrated DNA Technologies, Inc.
("Petitioner") filed a Petition (Paper 1) requesting *inter partes* review of

claims 1–3, 5–11, and 14–17 of U.S. Patent No. 9,546,399 B2 (Ex. 1003, “the ’399 patent”). Tecan Genomics, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6.

On April 21, 2025, we instituted an *inter partes* review of claims 1–3, 5–11, and 14–17 of the ’399 patent. Paper 7. On July 11, 2025, Patent Owner filed a statutory disclaimer of claims 1–3, 5–11, and 14–17 of the ’399 patent. Ex. 2016; Ex. 3000.

The parties have filed a joint motion asking the Board to enter adverse judgment under 37 C.F.R. § 42.73(b)(2) and to terminate the *inter partes* review because no challenged claims remain in this proceeding. Paper 21.

Section 42.73 provides that “[a] party may request judgment against itself at any time during a proceeding. Actions construed to be a request for adverse judgment include: (2) Cancellation or disclaimer of a claim such that the party has no remaining claim in the trial.” 37 C.F.R. § 42.73(b)(2).

We agree that adverse judgment and termination are appropriate in view of the disclaimer because no challenged claim remains.

Accordingly, it is:

ORDERED that the joint motion for adverse judgment and termination is *granted*; and

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

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