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Paper 34
Date: January 23, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. FALK PHARMA GMBH,
Petitioner,

v.

ELLODI PHARMACEUTICALS, L.P.,
Patent Owner.

IPR2025-00054
Patent 11,246,828 B2

Before JOHN G. NEW, ZHENYU YANG, and RYAN H. FLAX, *Administrative Patent Judges*.

NEW, *Administrative Patent Judge*.

JUDGMENT
Granting Patent Owner's Unopposed Motion to Terminate and Request for Adverse Judgment After Institution of Trial
37 C.F.R. §§ 42.72, 42.73(b)

I. INTRODUCTION

Ellodi Pharmaceuticals, L.P. ("Patent Owner") is the owner of U.S. Patent 11,246,828 B2 (Ex. 1001, "the '828 patent"). Paper 4, 1. Dr. Falk Pharma GmbH ("Petitioner") filed a Petition for *inter partes* review challenging the patentability of claims of that patent. Paper 1. The Board instituted trial on June 3, 2025. Paper 8.

On January 13, 2026, Patent Owner informed the Board that it had filed a statutory disclaimer as to all claims (1–16) of the '828 patent and requested authorization to file a motion to terminate the proceedings, which Petitioner did not oppose. *See* Ex. 3002. Patent Owner's request was authorized. Paper 30.

II. DECISION

As authorized, Patent Owner now moves the Board, without opposition, "to terminate the present *inter partes* review proceeding in light of the disclaimer filed by Patent Owner disclaiming all claims of U.S. Patent No. 11,246,828," and acknowledges that this will be "construed [by the Board] to be a request for adverse judgment" under 37 C.F.R. § 42.73(b)(1). Paper 32, 1 (the "Motion" and "Mot."); *see also* Ex. 2031 (disclaimer of claims 1–16 of the '828 patent). There are "no remaining claims in this *inter partes* review." Mot. 1.

"A party may request judgment against itself at any time during a proceeding. Actions construed to be a request for adverse judgment include … [d]isclaimer of the involved application or patent." 37 C.F.R. § 42.73(b)(1).

We find that good cause exists to grant Patent Owner's unopposed request for adverse judgment and to terminate this proceeding. Consequently, we *grant* Patent Owner's Motion to Terminate and Request for Adverse Judgment.

ORDER

Accordingly, it is:

ORDERED that Patent Owner's Motion to Terminate and Request for Adverse Judgment is *granted*;

FURTHER ORDERED that adverse judgment against Patent Owner in IPR2025-00054, as to claims 1–16 of U.S. Patent 11,246,828 B2, is *entered*; and

FURTHER ORDERED that no other relief is granted.

For PETITIONER:

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