

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALBANY INTERNATIONAL CORP.,
Petitioner,

v.

VOITH PATENT GMBH,
Patent Owner.

IPR2025-01367
Patent 9,982,388 B2

Before GRACE KARAFFA OBERMANN, CHRISTOPHER M. KAISER,
and KIMBERLY MCGRAW, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

Petitioner filed a Petition (Paper 2) challenging claims 1–15 of U.S. Patent No. 9,982,388 B2. Patent Owner filed a request for discretionary denial (Paper 6) but did not file a Preliminary Response. The Director instituted *inter partes* review. Paper 10, 2. After institution, Patent Owner did not file a Response to the Petition.

On July 27, 2026, Patent Owner contacted the Board by email stating that it had “elected not to file a Patent Owner Response” but did “not intend to seek an adverse judgement pursuant to 37 CFR 42.73(b)(4).” We held a conference call with counsel for both parties on July 29, 2026, to discuss further proceedings in this case in light of Patent Owner’s election.

During the conference call, both parties agreed that no further briefs on the merits would be filed in this case. The parties disagreed about whether Patent Owner’s election not to file a Response to the Petition constituted an abandonment of the contest such that we should enter adverse judgment against Patent Owner. In addition, Petitioner expressed its intent to request a hearing, and Patent Owner noted that although it intended not to present any substantive argument, it was unsure whether counsel would attend any such hearing.

We determine first that, in light of Patent Owner’s declaration that it does not intend its election to constitute a request for adverse judgment, we should not construe it as such. Accordingly, we will proceed to a final written decision resolving this case on the merits rather than entering adverse judgment. Our final written decision will determine whether Petitioner has established the unpatentability of any claim of the ’388 patent by a preponderance of the evidence made of record in this case.

As to holding a hearing in this case, neither party has yet requested a hearing, and such requests are not due until September 15, 2026. Paper 11, 13. Accordingly, it would be premature for us to determine at this point whether any hearing will be held. For now, we note only that, under the current Scheduling Order, any requested hearing will be held, if at all, on November 4, 2026, and, if either party requests a hearing, we will hold a pre-hearing conference to determine whether we should hold a hearing. In addition, during the conference call, Petitioner's counsel argued that the hearing in this case could be consolidated with the hearing in IPR2025-01116. To the extent Petitioner's argument on this point constituted a request to consolidate the hearings, we deny that request.

In consideration of the foregoing, it is hereby:

ORDERED that further proceedings in this case shall proceed as outlined above.

IPR2025-01367
Patent 9,982,388 B2

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