

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRECISIONPOWER, LLC,
Petitioner,

v.

POWERTEC SOLUTIONS INTERNATIONAL, LLC,
Patent Owner.

PGR2021-00043
Patent 10,637,264 B2

Before BARBARA A. PARVIS, TERRENCE W. McMILLIN, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

JUDGMENT

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

Precision Power, LLC (“Petitioner”) filed a Petition requesting a post-grant review of claims 1–7 of U.S. Patent No. 10,637,264 B2. Paper 1. On August 3, 2021, we instituted a trial in this proceeding on all challenged claims. Paper 12. On November 15, 2021, PowerTec Solutions International, LLC (“Patent Owner”) notified the Board that it is abandoning the contest in this proceeding and requesting adverse judgment. Paper 17.

Our rules provide that “[a] party may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b). Moreover, certain actions taken by a party, such as “[a]bandonment of the contest,” can be construed as a request for adverse judgment against that party. *Id.* § 42.73(b)(4). Although we instituted a trial, we have not yet decided the merits of this proceeding. Accordingly, we enter adverse judgment against Patent Owner pursuant to 37 C.F.R. § 42.73(b) and terminate the trial pursuant to 37 C.F.R. § 42.72.

It is:

ORDERED that adverse judgment is entered against Patent Owner;

FURTHER ORDERED that claims 1–7 of U.S. Patent No. 10,637,264 are canceled; and

FURTHER ORDERED that this proceeding is terminated and all scheduled Due Dates (*see* Papers 13, 14) are vacated.

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