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Paper 41
Date: October 27, 2025

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.

IPR2024-01197
Patent 8,771,729 B2

Before JOHN. G. NEW, ZHENYU YANG, and TAWEN CHANG, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

JUDGMENT
Granting Motion to Terminate and
Request for Adverse Judgment after Institution of Trial
37 C.F.R. § 42.73(b)

Dr. Falk Pharma GmbH ("Petitioner") filed a Petition to institute an *inter partes* review of claims 1–40 of U.S. Patent No. 8,771,729 B2 (Ex. 1001, "the '729 patent") on July 22, 2024. Paper 2. Patent Owner, Ellodi Pharmaceuticals, L.P., filed a Preliminary Response on October 29, 2024. Paper 6. The parties further submitted an authorized Reply and Sur-Reply to the Preliminary Response. Papers 7, 9; Ex. 3002. On January 27, 2025, we granted the Petition and instituted an *inter partes* review. Paper 10.

On October 23, 2025,[1] Patent Owner filed a Motion to Terminate and Request for Adverse Judgment ("Motion"). Paper 36. Patent Owner attaches as an exhibit to the Motion a disclaimer in a patent under 37 C.F.R. § 1.321(a), dated October 21, 2025, which disclaimed claims 1–40 of the '729 patent. *Id.*; Ex. 2026. In light of the disclaimer of all of the claims challenged in this *inter partes* review, Patent Owner requests entry of adverse judgment under 37 C.F.R. § 42.73(b)(1) and moves to terminate this proceeding. Mot. 1. Petitioner does not oppose the Motion. *Id.*

[1] Patent Owner explains that it attempted to file the Motion on Oct. 23, 2025 but encountered technical issues that prevented it from successfully filing the Motion and accompanying papers via P-TACTS. Ex. 3006. Patent Owner states that it then proceeded according to the alternative filing procedure set forth on the Board website for filing documents during a P-TACTS outage, by serving the Motion and accompanying papers on opposing counsel via e-mail. *Id.* On October 24, 2025, Patent Owner filed the Motion via P-TACTS, as well as a separate unopposed Motion Requesting Acceptance of Submission of the Motion, seeking to have the Motion be accorded an October 23, 2025 filing date, which we have granted. Papers 36, 38, 40; Ex. 3007.

"A party may request judgment against itself at any time during a proceeding," including by "[d]isclaimer of the involved application or patent" or "[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial." 37 C.F.R. §§ 42.73(b)(1)–(b)(2). Accordingly, we grant Patent Owner's Request for Adverse Judgment and terminate the proceeding.

ORDER

In consideration of the foregoing, it is hereby:

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

FURTHER ORDERED that IPR2024-01197 is *terminated* and adverse judgment is entered against Patent Owner pursuant to 37 C.F.R. § 42.73(b)(2) as to claims 1–40 of U.S. Patent No. 8,771,729 B2.

Dr. Falk Pharma Ex. 1118
PGR Petition - USP 12,290,598

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