

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.

IPR2025-00055
Patent 9,486,407 B2

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

YANG, *Administrative Patent Judge.*

DECISION

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

Dr. Falk Pharma GMBH (“Petitioner”) filed a Petition, seeking *inter partes* review of claims 1–42 of U.S. Patent No. 9,486,407 B2 (Ex. 1001, “the ’407 patent”). Paper 2. We instituted trial to review all challenged claims. Paper 7.

On January 13, 2026, Ellodi Pharmaceuticals, L.P. (“Patent Owner”) informed the Board that it had filed a statutory disclaimer, disclaiming all claims of the ’407 patent. Ex. 3001. Patent Owner requested authorization to file a motion to terminate the proceeding. *Id.* Patent Owner represented that Petitioner did not oppose the request. *Id.* With our authorization, Patent Owner filed a Motion to Terminate and Request for Adverse Judgment under 37 C.F.R. §§ 1.321(a) and 42.73(b)(1). Paper 29 (“Motion”). Patent Owner represented that Petitioner does not oppose the Motion. *Id.* at 1.

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Under the Rules, actions construed as a request for entry of adverse judgment include “[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)(2). Here, Patent Owner has disclaimed, under 37 C.F.R. § 1.321, claims 1–42 of the ’407 patent, which constitute all challenged claims involved in this trial. *See* Ex. 2031. We thus construe the statutory disclaimer as a request for entry of adverse judgment.

Having reviewed the statutory disclaimer, we determine that adverse judgment against Patent Owner with respect to claims 1–42 of the ’407 patent is appropriate.

ORDER

Accordingly, it is

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

FURTHER ORDERED that adverse judgment is entered under 37 C.F.R. § 42.73(b) against Patent Owner with respect to claims 1–42 of the '407 patent; and

FURTHER ORDERED that this proceeding is hereby TERMINATED.

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Patent 9,486,407 B2

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