

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GREAT WEST CASUALTY COMPANY, BITCO GENERAL
INSURANCE CORPORATION, and
BITCO NATIONAL INSURANCE COMPANY,
Petitioner,

v.

TRANSPACIFIC IP I LTD. and
INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2015-01912
Patent 8,929,555 B2

Before MICHAEL W. KIM, THOMAS L. GIANNETTI, and
ROBERT L. KINDER, Administrative Patent Judges.

KINDER, *Administrative Patent Judge.*

JUDGMENT AND FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73(b)

BACKGROUND

Petitioner requested *inter partes* review of claims 1, 7, and 13–15 of U.S. Patent No. 8,929,555 (“the ’555 patent”). Paper 1. The Board granted the Petition and instituted an *inter partes* review of all challenged claims. Paper 10. On June 29, 2016, Patent Owner filed a Patent Owner’s Response and notified the Board of the filing of a Disclaimer under 37 C.F.R. § 1.321(a), disclaiming claims 1, 7, and 13–15 of the ’555 patent. Paper 17. Patent Owner has filed a copy of the Disclaimer. Ex. 2001.

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. *See* 37 C.F.R. § 42.73(b). Here, Patent Owner has disclaimed all challenged claims such that Patent Owner has no remaining claim in the trial, which is construed as a request for adverse judgment. *See* 37 C.F.R. § 42.73(b)(2). Under these circumstances, entry of judgment adverse to the Patent Owner is appropriate.

CONCLUSION AND ORDER

In view of the Disclaimer by Patent Owner of claims 1, 7, and 13–15 of the ’555 patent, Patent Owner’s request for adverse judgment is *granted*.

It is, therefore,

ORDERED that adverse judgment against the Patent Owner is entered under 37 C.F.R. § 42.73(b)(2);

FURTHER ORDERED that this constitutes a final written decision under 35 U.S.C. § 318(a).

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