

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REACTIVE SURFACES LTD., LLP,
Petitioner,

v.

TOYOTA MOTOR CORPORATION,
Patent Owner.

Case IPR2017-00572
Patent 8,252,571 B2

Before CHRISTOPHER M. KAISER, JEFFREY W. ABRAHAM, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

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

BACKGROUND

Reactive Surfaces Ltd., LLP (“Petitioner”) filed a Petition (Paper 1, “Pet.”) requesting an *inter partes* review of claims 1–23 of U.S. Patent No. 8,252,571 B2 (Ex. 1001, “the ’571 patent”). Toyota Motor Corporation (“Patent Owner”) filed a Preliminary Response. Paper 34 (“Prelim. Resp.”). We instituted an *inter partes* review of claims 22 and 23. Paper 37. Now, Patent Owner requests cancellation of claims 22 and 23 and the entry of an adverse judgment under 37 C.F.R. § 42.73(b)(2). Paper 40. Petitioner has not opposed Patent Owner’s request.

DISCUSSION

A party may request entry of adverse judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). 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.” *Id.* Here, Patent Owner has requested cancellation of claims 22 and 23, the only claims on which we instituted trial. Paper 40, 1. Under these circumstances, entry of judgment adverse to the Patent Owner and cancellation of claims 22 and 23 is appropriate.

CONCLUSION

Patent Owner’s request for adverse judgment is granted, and claims 22 and 23 will be canceled.

ORDER

It is hereby

ORDERED that adverse judgment is entered under 37 C.F.R. § 42.73(b) against Patent Owner with respect to claims 22 and 23 of the ’571 patent;

IPR2017-00572
Patent 8,252,571 B2

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

FURTHER ORDERED that claims 22 and 23 of the '571 patent be canceled.

IPR2017-00572
Patent 8,252,571 B2

PETITIONER:

David O. Simmons
IVC PATENT AGENCY
dsimmons@ivcpatentagency.com

Jonathan D. Hurt
McDANIEL & ASSOCIATES, PC
jhurt@technologylitigators.com

Mark A.J. Fassold
Jorge Mares
WATTS GUERRA LLP
mfassold@wattsguerra.com
jmares@wattsguerra.com

PATENT OWNER:

Joshua A. Lorentz
Richard Schabowsky
John D. Luken
Oleg Khariton
DINSMORE & SHOHL LLP
joshua.lorentz@dinsmore.com
richard.schabowsky@dinsmore.com
john.luken@dinsmore.com
oleg.khariton@dinsmore.com