

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

III HOLDINGS 4, LLC
Patent Owner.

Case IPR2017-00783
Patent 9,191,756 B2

Before SALLY C. MEDLEY, JAMES T. MOORE, and
DAVID C. MCKONE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

JUDGMENT
Request for Adverse Judgment
37 C.F.R. § 42.73(b)

K/S HIMPP (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–20 of U.S. Patent No. 9,191,756 B2 (Ex. 1001, “the ’756 patent”) pursuant to 35 U.S.C. §§ 311–319. Paper 2 (“Pet.”). The ’756 patent is assigned to III Holdings 4, LLC (“Patent Owner”). *See* Pet. 1.

Patent Owner did not file a Preliminary Response. On August 3, 2017, we instituted trial as to claims 1–20 of the ’570 patent. Paper 6.

On January 16, 2018, Patent Owner informed the Board via email that it intended to file a statutory disclaimer of the ’756 patent. On January 23, 2018, Patent Owner filed a “Disclaimer in Patent under 37 CFR 1.321(a)” with the Patent Office disclaiming claims 1–20 of the ’756 patent. Ex. 2001.

Patent Owner’s disclaimer of claims 1–20 of the ’756 patent, disclaims all claims for which trial was instituted such that there are no remaining claims in the trial. This action is construed as a request for entry of adverse judgment. 37 C.F.R. § 42.73(b)(2). The request is granted.

Accordingly, it is

ORDERED that Patent Owner’s request for adverse judgment is granted;

FURTHER ORDERED that judgment is herein entered against Patent Owner with respect to claims 1–20 of the ’756 patent;

FURTHER ORDERED that claims 1–20 of the ’756 patent are herein cancelled; and

FURTHER ORDERED that all scheduled Due Dates (Paper 7) are vacated and the hearing scheduled for May 1, 2018 is cancelled.

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