

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MERCEDES-BENZ USA, LLC,
Petitioner,

v.

CARUCEL INVESTMENTS, L.P.,
Patent Owner.

IPR2019-01440
Patent 8,463,177 B2

Before THOMAS L. GIANNETTI, DANIEL J. GALLIGAN, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

KORNICZKY, *Administrative Patent Judge*.

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

BACKGROUND

Petitioner requested *inter partes* review of claims 16, 21–28, 30, 31, 47–49, and 51–53 of U.S. Patent No. 8,463,177 B2 (“the ’177 patent”). Paper 2. The Board granted the Petition and instituted an *inter partes* review of all challenged claims. Paper 6. In an email dated April 3, 2020, Patent Owner notified the Board that, on April 3, 2020, it filed a Disclaimer under 37 C.F.R. § 1.321(a), disclaiming claims 16, 21–28, 30, 31, 47–49, and 51–53 of the ’177 patent. We have filed a copy of this Disclaimer as Exhibit 3001.

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 disclaimed all challenged claims such that Patent Owner has no remaining claims in the trial, which we construe 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 and termination of this proceeding is appropriate.

CONCLUSION AND ORDER

In view of Patent Owner’s disclaimer of claims 16, 21–28, 30, 31, 47–49, and 51–53 of the ’177 patent, the request for adverse judgment against Patent Owner is *granted*.

It is, therefore,

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

IPR2019-01440
Patent 8,463,177 B2

FURTHER ORDERED that this proceeding is hereby terminated.

IPR2019-01440
Patent 8,463,177 B2

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