

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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BESTWAY (USA), INC.,  
Petitioner

v.

INTEX MARKETING LTD.,  
Patent Owner

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Case No. PGR2017-00029  
Patent No. 9,567,762

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Before KEN B. BARRETT, FRANCES L. IPPOLITO, and  
KEVIN W. CHERRY, Administrative Patent Judges.

**PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT  
UNDER 37 C.F.R. § 42.73(b)(2)**

The Board instituted review in the above-captioned proceeding for claims 1, 2, 6-9, and 16-29 of U.S. Patent No. 9,567,762 (the “’762 Patent”). Paper 10 (Institution Decision) at 2, 41.

“A party may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b)(2). Accordingly, Patent Owner Intex Marketing Ltd. respectfully requests judgment against itself and asks that the Board cancel the instituted claims (claims 1, 2, 6-9, and 16-29) and enter adverse judgment against it. Patent Owner’s cancellation of the instituted claims is not an admission regarding the merits of Petitioner’s position that the claims are invalid and/or that the asserted references, taken alone or in combination, teach or suggest all the limitations of the claims.

In view of the requested cancellation of claims 1, 2, 6-9, and 16-29 of the ‘762 Patent, upon which trial was instituted, Patent Owner respectfully requests that the PTAB enter an adverse judgment against Patent Owner and terminate this proceeding pursuant to 37 C.F.R. § 42.73(b)(2).

Dated: February 16, 2018

FAEGRE BAKER DANIELS LLP

By: /R. Trevor Carter/  
R. Trevor Carter  
Reg. No. 40,549

Case PGR2017-00029  
Patent No. 9,567,762

### CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on February 16, 2018, I caused a true and correct copy of *Patent Owner's Request for Adverse Judgment* to be served via email on the following:

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Dated: February 16, 2018

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