

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KVK-TECH, INC.
FLAT LINE CAPITAL, LLC,
Petitioner,

v.

SILVERGATE PHARMACEUTICALS, INC.,
Patent Owner.

Case PGR2017-00039
Patent 9,463,183

Before GRACE KARAFFA OBERMANN, RAMA G. ELLURU,
and MICHELLE N. ANKENBRAND,

Administrative Patent Judges.

OBERMANN, *Administrative Patent Judge.*

ORDER
Dismissing Patent Owner's Request for Rehearing
37 C.F.R. § 42.71(d)(1)

In this post grant review of claims 1–13 (all claims) of U.S. Patent No. 9,453,183, Petitioner pursues a challenge based on obviousness under 35 U.S.C. § 103. *See* Paper 1, 54–81 (petition); Paper 8 (institution decision); Paper 17 (order modifying institution decision); Paper 18 (parties’ joint request to remove from dispute two grounds based on 35 U.S.C. § 112); *see also* Order (entered concurrently herewith, granting parties’ joint request to remove from dispute the two grounds based on 35 U.S.C. § 112).

On February 20, 2018, Patent Owner filed a Request for Rehearing of our decision instituting a post grant review. Paper 11. On April 16, 2018, the parties filed a Joint Motion for Adverse Judgment. Paper 16 (“Joint Motion”). In the Joint Motion, Patent Owner informed the Board that, in the event that we grant the Joint Motion and terminate the proceeding, Patent Owner “considers its request for rehearing to be moot and withdraws its request.” *Id.* at 1. Concurrently herewith, we issue a Judgment and Final Written Decision that grants the Joint Motion and terminates the proceeding. Accordingly, on this record, we dismiss Patent Owner’s Request for Rehearing (Paper 11) as moot.

It is

ORDERED that Patent Owner’s Request for Rehearing (Paper 11) is dismissed as moot.

PGR2017-00039

Patent 9,463,183

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