

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SATTLER TECH CORP.,
Petitioner,

v.

HUMANCENTRIC VENTURES, LLC,
Patent Owner.

Case PGR2019-00030
Patent D823,093 S

Before SCOTT A. DANIELS, BART A. GERSTENBLITH, and
CHRISTOPHER G. PAULRAJ, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

JUDGMENT

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

I. BACKGROUND

Petitioner requested institution of a post-grant review of the design claim of U.S. Patent No. D823,093 S (“the ’093 patent”). Paper 1. We granted the Petition and instituted a post-grant review. *See, e.g.*, Paper 9 (Decision, Institution of Post-Grant Review). On August 30, 2019, Patent Owner filed a Request for Adverse Judgment Under 37 C.F.R. § 42.73(b), in which Patent Owner states: “Patent Owner disclaims the Claim of US Patent D823,093 and requests adverse judgement [sic] in this proceeding.” Paper 11.

II. DISCUSSION

“A party may request judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b) (2018). Here, Patent Owner explicitly requests adverse judgment. Paper 11, 1.¹ Under these circumstances, entry of judgment adverse to Patent Owner is appropriate.

III. CONCLUSION

In view of Patent Owner’s request for adverse judgment, adverse judgment against Patent Owner is *granted*.

IV. ORDER

It is, therefore,

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

¹ Although Patent Owner’s Request states that Patent Owner disclaims the claim of the ’093 patent, it is not clear whether Patent Owner complied with 37 C.F.R. § 1.321(a). Nonetheless, we need not determine whether Patent Owner’s “action[.]” should be construed as a request for an adverse judgment under 37 C.F.R. § 42.73(b)(2) because Patent Owner expressly requests adverse judgment be entered against itself.

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

FURTHER ORDERED that the claim of U.S. Patent No. D823,093 S shall be *cancelled*.

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