

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARGET CORPORATION
Petitioner

v.

DESTINATION MATERNITY CORPORATION
Patent Owner

Case IPR2013-00533¹
Patent No. RE43,531 E

Dated: April 20, 2015

Before MICHAEL P. TIERNEY, LORA M. GREEN, JONI Y. CHANG, THOMAS L. GIANNETTI, JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

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

¹ Case IPR2014-00509 had been joined with this proceeding.

On February 19, 2014, the Board initiated trial in IPR2013-00533 for claims 1 and 24–29 of U.S. Patent No. RE43,531. IPR2013-00533, Paper 11, p. 2. The Board did not initiate trial on claims 18 and 19. *Id.* On February 12, 2015, the Board initiated trial in IPR2014-00509 for claims 18 and 19 pursuant to joinder of Petitioner's March 14, 2014 Petition for *Inter Partes* Review. IPR2014-00509, Paper 31, p. 16. Accordingly, claims 1, 18, 19, and 24–29 are currently pending in these joined proceeding.

Petitioner and Patent Owner have now settled their disputes regarding the patents in these proceedings. In accordance with the settlement, Patent Owner now respectfully asks that the Board cancel claims 1, 18, 19, and 24–29, and enter adverse judgment against it under 37 C.F.R. § 42.73(b). The Board provided authorization for this Motion via e-mail on April 20, 2015.

RELIEF REQUESTED

In view of the cancellation of all claims remaining at trial, Patent Owner respectfully requests that the Board enter a final adverse judgment against Patent Owner in this case pursuant to 37 C.F.R. § 42.73(b)(2).

Dated: April 20, 2015

Respectfully submitted,

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/s/ Paul Taufer

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6, the undersigned certifies that on April 20, 2015, a complete and entire copy of the foregoing document was provided via email to the Petitioner by serving the email correspondence address of record as follows:

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