

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NORMAN INTERNATIONAL, INC.,  
Petitioner,

v.

HUNTER DOUGLAS INC.,  
Patent Owner.

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Case IPR2014-01175  
Patent 6,968,884 B2

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Before LINDA M. GAUDETTE, JAMES P. CALVE and  
HYUN J. JUNG, *Administrative Patent Judges*.

GAUDETTE, *Administrative Patent Judge*.

JUDGMENT AND FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a) and 37 C.F.R. § 42.73*

On October 15, 2015, Hunter Douglas, Inc. (“Patent Owner”) filed a Request for Adverse Judgment Pursuant to 37 C.F.R. § 42.73(b)(2). Paper 29 (“Request”).

### BACKGROUND

On February 10, 2015, the Board instituted an *inter partes* review of the patentability of claim 7 of U.S. Patent No. 6,968,884 B2 (“the ’884 patent”). Paper 7. Oral argument was requested by both parties (Papers 15, 17), and was scheduled for October 20, 2015. Paper 20. On October 13, 2015, Patent Owner filed a statutory disclaimer (Ex. 2005, “Disclaimer”) with the United States Patent and Trademark Office pursuant to 37 C.F.R. § 1.321(a), disclaiming claim 7 of the ’884 patent. Request 1.

### DISCUSSION

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed as a request for entry of adverse judgment include “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial.” *Id.* Patent Owner has disclaimed, under 37 C.F.R. § 1.321, claim 7 of the ’884 patent, and explicitly requests that the Board enter adverse judgment against it with respect to claim 7, the sole claim at issue in this trial. Paper 29, 1.

Having reviewed the Disclaimer and Request, we determine that entry of judgment against Patent Owner with respect to claim 7 of the ’884 patent is appropriate.

### ORDER

Accordingly, it is

ORDERED that adverse judgment is entered under 37 C.F.R. § 42.73(b) against Patent Owner with respect to claim 7 of the ’884 patent;

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FURTHER ORDERED that the oral hearing scheduled for October 20, 2015, is cancelled; and

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

PETITIONER:

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