

Paper No. ____
September 15, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALEO NORTH AMERICA, INC. and VALEO EMBRAYAGES,

Petitioner,

v.

SCHAEFFLER TECHNOLOGIES AG & CO. KG,

Patent Owner.

Case: IPR2017-00441

Patent 8,573,374 B2

PATENT OWNER'S REQUEST FOR ADVERSE JUDGMENT
PURSUANT TO 37 C.F.R. § 42.73(B)

The Board initiated a trial in the above-captioned proceeding for claims 1-16. Paper 8. Under 37 C.F.R. § 42.73(b), a party before the PTAB may request judgment against itself at any time during a proceeding. Actions construed to be a request for adverse judgment include cancellation of claims such that the party has no remaining claim in the trial. *See* 37 C.F.R. § 42.73(b)(2).

Patent Owner respectfully requests that the Board cancel claims 1-16 and enter an adverse judgment.

On September 14, 2017, Patent Owner Schaeffler Technologies AG & Co. KG filed a narrowing Reissue Application Serial No. 15/704,477. The claims sought to be cancelled above are the same claims cancelled in the reissue application.

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

Respectfully submitted,

September 15, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2017, a true and correct copy of the foregoing **REQUEST FOR ADVERSE JUDGMENT** was served by electronic mail pursuant to agreement, upon the following counsel of record for Petitioners VALEO NORTH AMERICA, INC. and VALEO EMBRAYAGES:

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