

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

III HOLDINGS 7, LLC,
Patent Owner.

Case IPR2017-00929
Patent 7,929,722 B2

Before SALLY C. MEDLEY, JASON J. CHUNG, and
KIMBERLY McGRAW, *Administrative Patent Judges*.

MEDLEY, Administrative Patent Judge.

JUDGMENT
Request for Adverse Judgment
37 C.F.R. § 42.73(b)

K/S HIMPP (“Petitioner”) filed a Petition for *inter partes* review of claims 1–5, 7, 8, 11, 12, 14–16, and 20–30 of U.S. Patent No. 7,929,722 B2 (Ex. 1001, “the ’722 patent”). Paper 3 (“Pet.”). III Holdings 7, LLC (“Patent Owner”) did not file a Preliminary Response. On August 14, 2017, we instituted trial as to claims 1–5, 7, 8, 11, 12, 14–16, and 20–30 of the ’722 patent and set a November 1, 2017 Due Date for Patent Owner to file a Response. Paper 8, 6. Patent Owner did not file a Patent Owner Response. Nor did Patent Owner arrange a conference call with the Board and opposing counsel per Board instructions to do so. *See Id.* at 3.

On January 10, 2018, we ordered Patent Owner to show cause why its inactions in this trial should not be construed as a request for adverse judgment under 37 C.F.R. § 42.73(b)(4). Paper 9. On January 22, 2018, Patent Owner responded to our order to show cause. Paper 10. In its response, Patent Owner represents that it has filed a disclaimer of claims 1–5, 7, 8, 11, 12, 14–16, and 20–30 of the ’722 patent, disclaiming all claims for which trial was instituted such that there is no remaining claim in the trial. *Id.* at 2. Patent Owner filed a copy of the disclaimer. Ex. 2001.

Patent Owner’s disclaimer of claims 1–5, 7, 8, 11, 12, 14–16, and 20–30, all of the claims involved in the trial, is construed as a request for entry of adverse judgment. 37 C.F.R. § 42.73(b)(2). The request is *granted*.

Accordingly, it is

ORDERED that Patent Owner’s request for adverse judgment is *granted*;

FURTHER ORDERED that judgment is herein entered against Patent Owner with respect to claims 1–5, 7, 8, 11, 12, 14–16, and 20–30 of the ’722 patent;

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FURTHER ORDERED that claims 1–5, 7, 8, 11, 12, 14–16, and 20–30 of the '722 patent are herein *cancelled*; and

FURTHER ORDERED that all scheduled Due Dates (Paper 8) are *vacated* and the hearing scheduled for May 1, 2018 is *cancelled*.

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