

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KVK-TECH, INC. and  
FLAT LINE CAPITAL, LLC,  
Petitioners,

v.

SILVERGATE PHARMACEUTICALS, INC.,  
Patent Owner.

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Case PGR2017-00039  
Patent 9,463,183

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**JOINT MOTION**  
37 CFR §42.73(b)(4)

On April 9, 2018, the Board sent an email directing the parties “to file a one-page motion jointly requesting entry of adverse judgement against Petitioner pursuant to that rule. That motion shall be filed within five (5) business days of this email and should indicate whether Patent Owner withdraws its pending request for reconsideration of the institution decision.” This joint motion complies with the Board’s direction.

**I. REQUEST FOR ADVERSE JUDGMENT**

The parties jointly request entry of adverse judgment against the petitioners, KVK-Tech, Inc. and Flat Line Capital, LLC, pursuant to 37 CFR §42.73(b)(4).

**II. REQUEST FOR RECONSIDERATION**

If this motion is granted and this post-grant review terminated, then the patent owner, Silvergate Pharmaceuticals, Inc., considers its request for rehearing to be moot and withdraws its request.

Respectfully submitted,

/Zachary D. Silbersher/  
Zachary D. Silbersher  
Reg. No. 62,090  
Lead Counsel for Petitioner

Dated: April 16, 2018

Respectfully submitted,

/ Richard Torczon /  
Richard Torczon  
Reg. No. 34,448  
Backup Counsel for Patent Owner

Dated: April 9, 2018

