

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KVK-TECH, INC.
FLAT LINE CAPITAL, LLC,
Petitioner,

v.

SILVERGATE PHARMACEUTICALS, INC.,
Patent Owner.

Case PGR2017-00039
Patent 9,463,183

Before GRACE KARAFFA OBERMANN, RAMA G. ELLURU,
and MICHELLE N. ANKENBRAND,

Administrative Patent Judges.

OBERMANN, *Administrative Patent Judge.*

ORDER
Granting Joint Motion to Limit the Petition
37 C.F.R. §§ 42.1(b), 42.71

The Petition challenges claims 1–13 (all claims) of U.S. Patent No. 9,463,183 on three grounds: (1) lack of enablement under 35 U.S.C. § 112; (2) lack of written description support under 35 U.S.C. § 112; and (3) obviousness under 35 U.S.C. § 103. Paper 1, 4. In our institution decision, we ordered review of all challenged claims but limited the proceeding to the ground based on obviousness under 35 U.S.C. § 103. Paper 8, 21. On May 1, 2018, we modified our institution decision “to include review of all challenged claims and all grounds presented in the Petition.” Paper 17, 3.

On May 3, 2018, with our prior authorization, the parties filed a Joint Motion to Limit the Petition. Paper 18. Specifically, “[t]he parties jointly move to limit the [P]etition by removing the two grounds asserted under 35 U.S.C. [§]112 against claims 1-13.” *Id.* at 1. Removing grounds from dispute, pursuant to a joint request of the parties, serves our overarching goal of resolving this proceeding in a just, speedy, and inexpensive manner. 37 C.F.R. § 42.1(b).

Accordingly, we *grant* the Joint Motion to Limit the Petition. As such, the grounds presented in the Petition based on 35 U.S.C. § 112 are removed from dispute in this proceeding. The sole ground of unpatentability remaining in dispute is the challenge to claims 1–13 based on obviousness under 35 U.S.C. § 103.

It is
ORDERED that the Joint Motion to Limit the Petition is *granted*;
FURTHER ORDERED that the Petition is limited to the ground of unpatentability asserted against claims 1–13 based on obviousness under 35 U.S.C. § 103.

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Patent 9,463,183

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