

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVX CORPORATION,
Petitioner,

v.

GREATBATCH LTD.,
Patent Owner.

Case IPR2015-00713
Patent 7,035,077 B2

Before MICHAEL P. TIERNEY, JON B. TORNQUIST, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

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

BACKGROUND

On February 6, 2015, Petitioner requested *inter partes* review of claims 1, 2, 6–9, 13, 14, 18, 19, 23, 24, 28–31, 35, 36, 40, and 41 of U.S. Patent No. 7,035,077 B2 (“the ’077 patent”). Paper 3. On August 19, 2015, we instituted *inter partes* review with respect to claims 1, 2, 8, 9, 23, 24, 30, and 31 of the ’077 patent. Paper 8, 25. On November 13, 2015, Greatbatch, Ltd. (“Patent Owner”) filed a statutory disclaimer under 37 C.F.R. § 1.132(a) with the United States Patent and Trademark Office disclaiming claims 1–44 (all claims) of the ’077 patent. Paper 21, 1. On the same day, Patent Owner filed a Request for Entry of Adverse Judgment pursuant to 37 C.F.R. § 42.73(b)(1) in this proceeding. *Id.*

DISCUSSION

A party may request judgment against itself at any time during a proceeding. 37 C.F.R. § 42.73(b). Actions construed to be a request for adverse judgment include disclaimer of the involved application or patent and cancellation or disclaimer of a claim such that the party has no remaining claim in the trial. *Id.*

In light of Patent Owner’s disclaimer of claims 1–44 of the ’077 patent, we determine that entry of judgment against Patent Owner with respect to claims 1, 2, 8, 9, 23, 24, 30, and 31 of the ’077 patent is appropriate.

ORDER

It is:

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

FURTHER ORDERED that judgment is entered against Patent Owner

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with respect to claims 1, 2, 8, 9, 23, 24, 30, and 31 of the '077 patent;

FURTHER ORDERED that claims 1, 2, 8, 9, 23, 24, 30, and 31 of the '077 patent are *cancelled*; and

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

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