UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARTHREX, INC.,
Petitioner,

v.

BONUTTI SKELETAL INNOVATIONS, LLC,
Patent Owner.

Case IPR2013-00631
Patent 5,921,986

Before MICHAEL R. ZECHER, BENJAMIN D. M. WOOD, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges.*

WEATHERLY, *Administrative Patent Judge*.

JUDGMENT
Request for Adverse Judgment
37 C.F.R. § 42.73(b)(2)

I. INTRODUCTION

On April 23, 2014, Patent Owner, Bonutti Skeletal Innovations LLC ("Bonutti"), filed a Notice of Filing of Disclaimer Under 37 C.F.R. § 1.321(a). Paper 21. On April 22, 2014, Bonutti completely disclaimed claims 64, 65, 67, 69, 70, 72–76, 80, 82, and 83 in U.S. Patent No. 5,921,986 (the "'986 patent"). Ex. 2002. Bonutti's action constitutes a disclaimer of all claims challenged in this *inter partes* review such that it has no remaining claim in the trial. Bonutti contends that "the *Inter Partes Review* should be terminated pursuant to 37 CFR 42.73(b)(2)." Paper 21, 2.

II. DISCUSSION

Under 35 U.S.C. § 42.73(b), "[a] party may request judgment against itself at any time during a proceeding." We interpret Bonutti's cancellation of claims such that it has no remaining claim in the trial to be a request for adverse judgment. 37 C.F.R. § 42.73(b)(2). Accordingly, we determine that Bonutti's disclaimer of claims 64, 65, 67, 69, 70, 72–76, 80, 82, and 83 of the '986 patent meets the conditions for termination of this review and entry of judgment against Bonutti.

III. ORDER

For the reasons stated above, it is:

ORDERED that judgment is entered against Bonutti with respect to claims 64, 65, 67, 69, 70, 72–76, 80, 82, and 83 of the U.S. Patent No. 5,921,986.

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