

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHINA CHENGDA ENGINEERING CO., LTD.,
Petitioner,

v.

DORIAMO LTD.,
Patent Owner.

IPR2023-00365
Patent 8,591,852 B2

Before JO-ANNE M. KOKOSKI, JEFFREY W. ABRAHAM, and
JANE E. INGLESE, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

JUDGMENT
Granting Adverse Judgment After
Institution of Trial
37 C.F.R. § 42.73(b)

I. BACKGROUND

China Chengda Engineering Co., Ltd. (“Petitioner”) filed a Petition for an *inter partes* review (Paper 2 (“Pet.”)) challenging claims 1–10 of U.S. Patent No. 8,591,852 B2 (Ex. 1001 (“the ’852 patent”)). Doriamo Ltd. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). After receiving authorization from the Board, Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 8 (“Reply”)) and Patent Owner filed a Sur-reply (Paper 12).

On July 6, 2023, the Board instituted an *inter partes* review of claims 1–10 of the ’852 patent on all challenges included in the Petition. Paper 13. The Board also issued a Scheduling Order that set forth September 28, 2023 as the due date for Patent Owner’s Response to the Petition. Paper 14, 11. Further, the Scheduling Order instructed Patent Owner to arrange a conference call with the parties and the Board if Patent Owner elected not to file a response to the Petition. Paper 14, 9. Patent Owner did not file a response to the Petition or arrange a conference call with the parties and the Board.

In view of this, on October 25, 2023, the Board issued an order requiring Patent Owner to show cause why adverse judgment should not be entered against it. Paper 17, 2. Patent Owner responded by indicating that it “does not oppose entry of an adverse judgment with respect to Petitioner Chengda’s Petition for *inter partes* review concerning U.S. Patent No. 8,591,852.” Paper 18, 2.

II. DISCUSSION

“A party may request [adverse] 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 . . . [a]bandonment of the contest.” *Id.* Based on Patent Owner’s failure to file substantive papers in this proceeding and its statement that it does not oppose entry of adverse judgment, we determine that entry of judgment against Patent Owner with respect to claims 1–10 of the ’852 patent is appropriate.

III. ORDER

Accordingly, it is

ORDERED that adverse judgment is entered under 37 C.F.R. § 42.73(b) against Patent Owner with respect to claims 1–10 of the ’852 patent;

FURTHER ORDERED that all scheduled Due Dates (*see* Paper 14) are vacated; and

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

IPR2023-00365
Patent 8,591,852 B2

FOR PETITIONER:

Eliot Williams
Jennifer Tempesta
Zhengmao Zhu
Boyang Zhang
BAKER BOTTS L.L.P.
eliot.williams@bakerbotts.com
jennifer.tempesta@bakerbotts.com
frank.zhu@bakerbotts.com
boyang.zhang@bakerbotts.com

FOR PATENT OWNER:

Matthew J. Dowd
Robert J. Scheffel
DOWD SCHEFFEL PLLC
mdowd@dowdscheffel.com
rscheffel@dowdscheffel.com

Matthew J. Dowd
Robert J. Scheffel
DOWD SCHEFFEL PLLC
mdowd@dowdscheffel.com
rscheffel@dowdscheffel.com