

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DAIICHI SANKYO, INC. AND
ASTRAZENECA PHARMACEUTICALS, LP
Petitioners,

v.

SEAGEN INC.
Patent Owner.

Case No. PGR2021-00042
Patent 10,808,039

REQUEST FOR ADVERSE JUDGMENT

Patent Owner Seagen Inc. (“Seagen”) respectfully requests that adverse judgment be entered against it in the above-captioned proceeding pursuant to 37 C.F.R. § 42.73(b)(2) (allowing a party to request an adverse judgment at any time by “[c]ancellation or disclaimer of a claim such that the party has no remaining claim in the trial”).

Petitioner Daiichi Sankyo, Inc. and AstraZeneca Pharmaceuticals, LP sought post-grant review of Claims 6-8 of U.S. Patent No. 10,808,039 (“the ’039 Patent”) on January 22, 2021. Seagen filed its preliminary patent owner response, and the Board initially denied review on June 24, 2021. (Paper 12.) Following a rehearing request by Petitioner, the Board granted institution on April 7, 2022. (Paper 18.) On April 20, 2022, Seagen filed a disclaimer under 35 U.S.C. § 253(a) and 37 C.F.R. § 1.321(a), disclaiming the entire patent term for Claims 6-8 in the ’039 patent from grant through expiration. (Ex. 2041.)

No claims remain in the trial following this disclaimer. In view of the disclaimer, Seagen requests that adverse judgment be entered against it in the above-captioned proceeding pursuant to 37 C.F.R. § 42.73(b)(2). Petitioner has indicated that it does not oppose the request.

PGR2021-00042

Dated: May 11, 2022

Respectfully submitted,

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Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached **REQUEST FOR ADVERSE JUDGMENT** was served as of the below date via email on the Petitioner at the following correspondence address:

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