

Filed on behalf of the Respondent

By: Neil G. Ferrari  
Jordan C. Strauss  
MUNCK WILSON MANDALA, LLP  
12770 Coit Road, Suite 600  
Dallas, TX 75251  
Tel: (972) 628-3600  
Fax: (972) 628-3616  
PTAB-GS@munckwilson.com

Paper No. 26  
Date Filed: April 10, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PERSEPHONE, GMBH

U.S. Application No. 15/368,221

Petitioner

v.

SIMON TECHNOLOGIES LLC

U.S. Application No. 14/726,075

Respondent

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Case DER2017-00004

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**RESPONDENT'S CORRECTED NOTICE OF ACTION BY EXAMINER**

Respondent Simon Technologies LLC (“Respondent”) respectfully notifies the board of activity related to Respondent’s U.S. Patent Application No. 14/726,075 (the “’075 Application”).

On April 12, 2023, Examiner Clifford B. Madamba contacted counsel for Respondent to discuss an examiner’s amendment to the ’075 Application. After discussion, Respondent and examiner reached agreement on an examiner’s amendment which would resolve the §112 issue and put the ’075 Application in a condition for allowance. On September 28, 2023, the Office informed Respondent that while the examiner has made multiple attempts to enter the examiner’s amendment, because the ’075 Application is in suspension status pending the outcome of this derivation proceeding, the examiner has been unable to enter the amendment. Respondent is informed that until the Board makes a determination in the present derivation proceeding, the ’075 Application will remain in suspended status and the examiner’s amendment will not be processed.

Accordingly, Respondent submits that it is appropriate at this time for the board to exercise exclusive jurisdiction over this derivation proceeding and resolve the matter so that the ’075 Application can be allowed.

Dated: April 10, 2024

Respectfully submitted,

SIMON TECHNOLOGIES LLC

By: /Neil G. Ferrari/

Neil G. Ferrari

Registration No. 61,484

**MUNCK WILSON MANDALA, LLP**

12770 Coit Road, Suite 600

Dallas, TX 75251-1360

(972) 628-3600

By: /Jordan C. Strauss/

Jordan C. Strauss

*Pro Hac Vice*

**MUNCK WILSON MANDALA, LLP**

12770 Coit Road, Suite 600

Dallas, TX 75251-1360

(972) 628-3600

**CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6(e)(4)**

The undersigned hereby certifies that a copy of the foregoing RESPONDENT'S CORRECTED NOTICE OF ACTION BY EXAMINER is being served via electronic mail, as previously consented to by Petitioner, on April 10, 2024 as follows:

Michael Cornelison: [mcornelison@crbcp.com](mailto:mcornelison@crbcp.com)

David Tener: [dmtener@crbcp.com](mailto:dmtener@crbcp.com)

Dated: April 10, 2024

/Neil G. Ferrari/

Neil G. Ferrari

Registration No. 61,484

/Jordan C. Strauss/

Jordan C. Strauss

*Pro Hac Vice*