From: Trials
Sent: Monday, April 17, 2023 1:20 PM
To: John McKee
Cc: Todd Walters; Jim Glass; Richard Erwine; Gills, Jeanne M.; Roger Lee; Mythili Markowski; Andrew R. Cheslock; Amy Luttrell; Trials
Subject: RE: IPR2023-00388 - Authorization to File Motions to Dismiss and Keep Confidential

Counsel,

From the Board –

We understand that Patent Owner does not oppose the papers that Petitioner proposes to file in the email below. Accordingly, for a more streamlined termination, we authorize the parties to file a *joint* motion to terminate the proceeding in IPR2023-00388. The parties should be mindful of the requirements set forth in 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74, that any agreement between the parties and any collateral agreement (including any licensing agreement) made in connection with the termination of the proceeding must be in writing and that a fully executed copy must be filed with the Board as an exhibit to the motion to terminate. The motion to terminate should include a statement that there are no other agreements, oral or written, between the parties made in connection with, or in contemplation of, the termination of the proceeding, assuming such statement is correct. If the parties cannot make such statement, the other agreement(s) also should be filed under 37 C.F.R. § 42.74.

To the extent that the parties wish to maintain some level of confidentiality for their agreement(s), please refer to the procedures set forth in 37 C.F.R. § 42.74(c). With respect to having any agreement treated as business confidential under 37 C.F.R. § 42.74(c), the parties must file the confidential settlement electronically in the PTAB-E2E system as an exhibit in the proceeding in accordance with the instructions provided on the Board's website (uploading as "Parties and Board Only"). The parties are directed to FAQ G2 on the Board's website at https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/ptab-e2e-frequently-asked-questions#G2 for instructions on how to file their settlement agreement as confidential.

The due date for filing the papers and exhibits is April 28, 2023. Additionally, we ask that the parties inform us by April 21, 2023, whether they plan to request authorization to file motions to terminate in related cases IPR2023-00387, -00400, -00411.

Thank you.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: John McKee <johnmckee@quinnemanuel.com>
Sent: Thursday, April 13, 2023 10:25 AM
To: Trials <Trials@USPTO.GOV>
Cc: Todd Walters <todd.walters@bipc.com>; Jim Glass <jimglass@quinnemanuel.com>; Richard Erwine <richarderwine@quinnemanuel.com>; Gills, Jeanne M. <jmgills@foley.com>; Roger Lee <roger.lee@bipc.com>; Mythili Markowski <mythili.markowski@bipc.com>; Andrew R. Cheslock <andrew.cheslock@bipc.com>; Amy Luttrell

Ex. 3001
IPR2023-00388

<amy.luttrell@bipc.com>
Subject: RE: IPR2023-00388 - Authorization to File Motions to Dismiss and Keep Confidential

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Dear Honorable Board,

Correcting my earlier email, the proposed motions will be filed by petitioner and will be unopposed, not joint. I apologize for the serial emails.

Respectfully submitted,

John McKee
Quinn Emanuel Urquhart & Sullivan, LLP

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From: John McKee
Sent: Thursday, April 13, 2023 9:21 AM
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Cc: Todd Walters <todd.walters@bipc.com>; Jim Glass <jimglass@quinnemanuel.com>; Richard Erwine <richarderwine@quinnemanuel.com>; Gills, Jeanne M. <jmgills@foley.com>; Roger Lee <roger.lee@bipc.com>; Mythili Markowski <mythili.markowski@bipc.com>; Andrew R. Cheslock <andrew.cheslock@bipc.com>; Amy Luttrell <amy.luttrell@bipc.com>
Subject: IPR2023-00388 - Authorization to File Motions to Dismiss and Keep Confidential

Dear Honorable Board,

The Parties respectfully request authorization to file a joint motion to dismiss the above-identified proceeding, which has not yet reached the institution decision stage, due to settlement, as well as authorization to file a joint request that any settlement agreement filed in support thereof be treated as business confidential under 37 C.F.R. 42.74(c).

Respectfully submitted,

John McKee
Quinn Emanuel Urquhart & Sullivan, LLP

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