Mark McCarthy

From: Trials <Trials@USPTO.GOV>
Sent: Friday, March 1, 2024 10:23 AM
To: Mark McCarthy; Trials
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Subject: RE: IPR2023-00425: Request to withdraw Ex. 2007 and refile Patent Owner's Sur-Reply

[EXTERNAL EMAIL]

Counsel,

The panel authorizes Patent Owner to withdraw the supplemental expert declaration (Ex. 2007), and refile Patent Owner's Sur-Reply without any citations to the supplemental expert declaration. The panel notes that Petitioner does not oppose Patent Owner's request.

Patent Owner should file a copy of this email as an exhibit to document the panel's authorization.

Regards,

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

From: Mark McCarthy <mmccarthy@wsltrial.com>
Sent: Wednesday, February 28, 2024 8:55 PM
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Subject: IPR2023-00425: Request to withdraw Ex. 2007 and refile Patent Owner's Sur-Reply

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Honorable Board:

On Feb. 20, Patent Owner filed a Sur-Reply to Petitioner's Reply (Paper 18) accompanied by a supplemental expert declaration (Ex. 2007). To comply with Rule 42.23(b), Patent Owner requests permission to both withdraw the supplemental expert declaration (Ex. 2007), and refile Patent Owner's Sur-Reply without any citations to the supplemental expert declaration.

Patent Owner has conferred with Petitioner. Petitioner does not oppose Patent Owner's request.

Best Regards,

Mark McCarthy | Associate | Counsel for Patent Owner
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