

**From:** Trials <Trials@USPTO.GOV>  
**Sent:** Monday, March 18, 2024 9:53 AM  
**To:** David Hoffman; Trials  
**Cc:** nwhitelaw@dwpatentlaw.com; ediederiks@dwpatentlaw.com; david.magee@gtlaw.com; Trenton.Ward@gtlaw.com; BriggsH@gtlaw.com  
**Subject:** RE: Request for Correction of the record in IPR2023-00613

Counsel,

From the Board –

Patent Owner's unopposed request to expunge current Exhibit 2094 in IPR2023-00613, then file the correct Exhibit 2094 is granted. Patent Owner shall also file a copy of this email exchange as an exhibit in IPR2023-00613.

Regards,

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

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**From:** David Hoffman <[dhoffman@nolanheimann.com](mailto:dhoffman@nolanheimann.com)>  
**Sent:** Friday, March 15, 2024 4:39 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
**Cc:** [nwhitelaw@dwpatentlaw.com](mailto:nwhitelaw@dwpatentlaw.com); [ediederiks@dwpatentlaw.com](mailto:ediederiks@dwpatentlaw.com); [david.magee@gtlaw.com](mailto:david.magee@gtlaw.com); [Trenton.Ward@gtlaw.com](mailto:Trenton.Ward@gtlaw.com); [BriggsH@gtlaw.com](mailto:BriggsH@gtlaw.com)  
**Subject:** Request for Correction of the record in IPR2023-00613

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Dear Board,

**Facts/Background:**

On February 7, 2024, Patent Owner filed its Patent Owner Response (POR)(paper #29), its updated exhibit list (paper #30) and its exhibits, including an **Exhibit 2094**. Exhibit 2094 is listed as and was intended to be the Declaration of Bruce Finn, but inadvertently Patent Owner filed a copy of a Federal Circuit case (Volvo Penta v. Brunswick) as Exhibit 2094. Patent Owner notes that Petitioner has indicated that it would not oppose Patent Owner requesting that the Board expunge current exhibit 2094 and allowing Patent Owner to file the correct exhibit 2094, the Declaration of Bruce Finn. Patent Owner also notes that a copy of the Declaration of Bruce Finn has been provided to Petitioner today, and that essentially the same Declaration of Bruce Finn (Exhibit 2094) was properly filed and served (on February 8, 2024) in related IPR, IPR2023-00614.

**Summary/Request:**

Patent Owner requests and Petitioner does not oppose that the Board:

1. Expunge current Exhibit 2094 in IPR2023-00613; and
2. Provide permission for patent owner to file the correct Exhibit 2094 in IPR2023-00613, i.e., the Declaration of Bruce Finn, after incorrect Exhibit 2094 is expunged.

Thank you.  
Respectfully submitted,  
David L. Hoffman, Reg. No. 32,469  
Lead counsel for Patent Owner (Colt)

David L. Hoffman | Partner  
NOLAN HEIMANN LLP



T. 818.574-5710 | M. 310.266.8390 | D. 818.946.1158  
16000 Ventura Blvd., Ste. 1200 | Encino, CA 91436  
[www.nolanheimann.com](http://www.nolanheimann.com) | [dhoffman@nolanheimann.com](mailto:dhoffman@nolanheimann.com)

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