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Subject: Cisco v. Orckit IPR2023-00714: Patent Owner request to file unopposed motion to withdraw Fintiv arguments
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Attachments: [image001.png](#)

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Dear Honorable Board,

On September 22, 2023, the parties to this IPR jointly stipulated to dismiss the co-pending district court litigation *Orckit Corporation v. Cisco Systems, Inc.*, No. 2:22-cv-276 (E.D. Tex.) without prejudice. Due to this change in circumstances, Patent Owner seeks to withdraw the *Fintiv* arguments made in its pending preliminary response (Paper No. 6, pages 19-33).

Pursuant to 37 C.F.R. § 42.20(b), Patent Owner requests the Board's authorization to file a motion to withdraw Patent Owner's *Fintiv* arguments. Patent Owner has conferred with Petitioner and Petitioner does not oppose this motion. To the extent the Board believes a conference call with the parties would help to resolve Patent Owner's request, Patent Owner requests a conference call with the Board to discuss.

Best regards,

Steve McBride



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