

From: [Neal Massand](#)
To: [Trials](#); [Hao Ni](#)
Cc: [david.wille@bakerbotts.com](#); [samir.bhavsar@bakerbotts.com](#); [clarke.stavinoha@bakerbotts.com](#); [melissa.muenks@bakerbotts.com](#); [caroline.duncan@bakerbotts.com](#)
Subject: RE: IPR2023-00717 and IPR2023-00719
Date: Tuesday, October 31, 2023 12:44:08 PM

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Ms. Goldschlager,

Patent Owner withdraws its arguments based on 35 U.S.C. § 314(a) in IPR2023-00717 and IPR2023-00719.

Neal Massand
Ni, WANG & MASSAND, PLLC
972-331-4601

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To: Hao Ni <hni@nilawfirm.com>; Neal Massand <nmassand@nilawfirm.com>
Cc: david.wille@bakerbotts.com; samir.bhavsar@bakerbotts.com; clarke.stavinoha@bakerbotts.com; melissa.muenks@bakerbotts.com; caroline.duncan@bakerbotts.com; Trials <Trials@USPTO.GOV>
Subject: IPR2023-00717 and IPR2023-00719

Counsel,

The Board requests clarification from Patent Owner regarding its arguments that the Board exercise its discretion under 35 U.S.C. § 314(a) and deny institution in IPR2023-00717 (Prelim. Resp. 9-14) and IPR2023-00719 (Prelim. Resp. 7-13). Patent Owner withdrew those arguments in other proceedings in view of the district court's decision to stay Case No. 3:22-cv-00732 (N.D. Tex.) pending final resolution of related IPRs. *See* IPR2023-00719, Ex. 1038, Paper 3; *see also* IPR2023-00715, Ex. 1055, Paper 8, 1; IPR2023-00716, Paper 8, 1; IPR2023-00718, Paper 8, 1.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist

Patent Trial & Appeal Board
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