

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Duration Media LLC
Petitioner,

v.

Rich Media Club LLC
Patent Owner.

Case IPR2023-00953
U.S. Patent 11,443,329

**PATENT OWNERS' WAIVER OF PRELIMINARY RESPONSE
UNDER 37 C.F.R. § 42.107**

Pursuant to 35 C.F.R. § 42.107(b), Patent Owner Rich Media Club LLC. submits this Waiver of Preliminary Response to Petitioners' Petition for Inter Partes Review of U.S. Patent No. 11,443,329. Patent Owner has elected to defend the challenged claims in this proceeding on the merits, should the Board choose to institute a trial.

Patent Owner is not challenging institution because, among other reasons, it seeks the benefits of IPR estoppel precluding challenge to the validity of these claims in district court (or elsewhere) on any ground that the petitioner "raised or reasonably could have raised during" the IPR. 35 U.S.C. § 315(e).

Patent Owners reserve all rights to respond to any institution decision and to all arguments made in the Petition, including but not limited to all arguments that the references are not prior art.

Dated: June 9, 2023

Respectfully submitted,

/Ragnar Olson/

Ragnar Olson

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that on June 9, 2023, a complete and correct copy of the foregoing PATENT OWNER'S WAIVER OF PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107 was served via electronic mail on the following counsel of record for Petitioner:

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