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Subject: IPR2023-01147
Date: Wednesday, December 11, 2024 1:32:08 PM

Counsel,

The parties are requested to indicate, by reply email no later than Thursday, December 12, 2025, whether they intend to seek authorization to file a motion to terminate IPR2023-01147 due to settlement and, if so, the anticipated *very-near-term date* that the motion would be filed if authorized. The parties are reminded that, as the Trial Practice Guide indicates, it is possible that an IPR will *not* terminate upon the filing of a settlement agreement. “The Board expects that a proceeding will terminate after the filing of a settlement agreement, *unless the Board has already decided the merits of the proceeding.*” Trial Practice Guide at 86 (citing 35 U.S.C. § 317(a)) (emphasis added). The statutory deadline for issuing a final written decision in this matter is approaching quickly, and the Board will not wait until that date to decide the merits of this proceeding.

The parties are reminded that there is an outstanding order, Paper 40, concerning the filing in this IPR of the District Court’s claim construction order that has been the subject of the parties’ arguments. If requesting termination due to settlement is not contemplated at this time, the parties must comply with that order no later than this Friday, December 13, 2025.

Regards,

Franchesca I. Alicea Villanueva
Supervisory Paralegal
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

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IPR2023-01147