

From: [Daybell, Don](#)
To: [Trials](#); [RFMPATABDocket](#); [D2DPTABDocket](#); [PTABDocketJ1H1](#); [XW0PTABDocket](#)
Cc: [Garr, David](#); [Weidenfeller, Scott](#)
Subject: RE: IPR2023-01221
Date: Tuesday, November 21, 2023 6:01:50 PM

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Dear Board,

The word “other” in Petitioner’s motion is a typographical error. Petitioner certifies that “there is no agreement, oral or written, between the Parties made in connection with, or in contemplation of the termination of the proceeding.”

Best regards,

Don Daybell
Backup Counsel for Petitioner

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, November 21, 2023 2:54 PM
To: RFMPATABDocket <RFMPATABDocket@orrick.com>; D2DPTABDocket <D2DPTABDocket@orrick.com>; PTABDocketJ1H1 <PTABDocketJ1H1@orrick.com>; XW0PTABDocket <XW0PTABDocket@orrick.com>
Cc: Garr, David <dgarr@cov.com>; Weidenfeller, Scott <SWeidenfeller@cov.com>; Trials <Trials@USPTO.GOV>
Subject: IPR2023-01221

[EXTERNAL]

Counsel,

From the Board –

The statement in Petitioner’s Motion to Terminate that “there are no **other** agreements, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the proceeding” raises an ambiguity in that it suggests there exists some agreement between the parties in contemplation of the termination of this proceeding. The panel asks Petitioner to certify that “there is no agreement, oral or written, between the Parties made in connection with, or in contemplation of the termination of the proceeding.” The certification may be submitted by email communication to the Board within one week of the date of this communication.

Regards,

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

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