

From: [Garr, David](#)
To: [Trials](#); [Daybell, Don](#)
Cc: [Weidenfeller, Scott](#); [SDC-BOE-IPR](#); [Martinelli, Richard F.](#)
Subject: RE: IPR2023-01221
Date: Tuesday, October 31, 2023 1:49:50 PM
Attachments: [image004.png](#)

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Dear Honorable Board,

Patent Owner does not oppose Petitioner's motion to terminate.

Best regards,
David Garr
Counsel for Patent Owner

David A. Garr

Pronouns: He/Him/His

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5250 | M +1 202 494 4445 | dgarr@cov.com
www.cov.com

COVINGTON

From: Trials <Trials@USPTO.GOV>
Sent: Monday, October 30, 2023 4:13 PM
To: Garr, David <dgarr@cov.com>; Trials <Trials@USPTO.GOV>; Daybell, Don <ddaybell@orrick.com>
Cc: Weidenfeller, Scott <SWeidenfeller@cov.com>; SDC-BOE-IPR <SDC-BOE-IPR@cov.com>; Martinelli, Richard F. <rmartinelli@orrick.com>
Subject: RE: IPR2023-01221

[EXTERNAL]

Counsel,

From the Board –

Petitioner requested, by email, authorization to file a motion to terminate this proceeding. Patent Owner by email indicated it does not oppose the request, though Patent Owner did not state whether it will ultimately oppose Petitioner's requested motion. Petitioner is authorized to file a motion to terminate this proceeding. The motion should indicate whether there has been any agreement reached between the parties with regard to this requested termination, beyond Patent Owner's not opposing Petitioner's request for authorization to file a motion to terminate. Patent Owner's opposition to the motion, if any, must be filed within two weeks of the filing of Petitioner's

IPR2023-01221
Ex. 3003

motion to terminate. Patent Owner also may send an email to the Board to indicate whether it does not oppose Petitioner's motion to terminate.

Regards,

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

From: Garr, David <dgarr@cov.com>
Sent: Monday, October 30, 2023 11:32 AM
To: Trials <Trials@USPTO.GOV>; Daybell, Don <ddaybell@orrick.com>
Cc: Weidenfeller, Scott <SWeidenfeller@cov.com>; SDC-BOE-IPR <SDC-BOE-IPR@cov.com>;
Martinelli, Richard F. <rmartinelli@orrick.com>
Subject: RE: IPR2023-01221

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Dear Honorable Board,

We understand that a judge panel has now been assigned to this case. We respectfully resubmit this email correspondence for the panel's consideration.

Best regards,
David Garr
Counsel for Patent Owner

David A. Garr
Pronouns: He/Him/His

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5250 | M +1 202 494 4445 | dgarr@cov.com
www.cov.com

COVINGTON

From: Trials <Trials@USPTO.GOV>
Sent: Friday, September 8, 2023 1:03 PM
To: Garr, David <dgarr@cov.com>; Trials <Trials@USPTO.GOV>; Daybell, Don <ddaybell@orrick.com>
Cc: Weidenfeller, Scott <SWeidenfeller@cov.com>; SDC-BOE-IPR <SDC-BOE-IPR@cov.com>;
Martinelli, Richard F. <rmartinelli@orrick.com>
Subject: RE: IPR2023-01221

[EXTERNAL]

Counsel,

There is no panel assigned to this case. Once a panel has been assigned, your e-mail will be shared with the panel.

Regards,

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

From: Garr, David <dgarr@cov.com>
Sent: Friday, September 8, 2023 12:58 PM
To: Trials <Trials@USPTO.GOV>; Daybell, Don <ddaybell@orrick.com>
Cc: Weidenfeller, Scott <SWeidenfeller@cov.com>; SDC-BOE-IPR <SDC-BOE-IPR@cov.com>;
Martinelli, Richard F. <rmartinelli@orrick.com>
Subject: RE: IPR2023-01221

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Dear Ms. Goldschlager and Honorable Board,

As counsel for Patent Owner in this proceeding, I writing in the meanwhile to add that Patent Owner does not oppose this request.

Sincerely,

David A. Garr

Pronouns: He/Him/His

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5250 | M +1 202 494 4445 | dgarr@cov.com
www.cov.com

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From: Trials <Trials@USPTO.GOV>
Sent: Friday, September 8, 2023 7:58 AM
To: Daybell, Don <ddaybell@orrick.com>; Trials <Trials@USPTO.GOV>
Cc: Weidenfeller, Scott <SWeidenfeller@cov.com>; Garr, David <dgarr@cov.com>; SDC-BOE-IPR <SDC-BOE-IPR@cov.com>; Martinelli, Richard F. <rmartinelli@orrick.com>

Subject: RE: IPR2023-01221

[EXTERNAL]

Counsel,

There is no panel assigned to this case. Once a panel has been assigned, your e-mail will be shared with the panel.

Regards,

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

From: Daybell, Don <ddaybell@orrick.com>

Sent: Thursday, September 7, 2023 7:50 PM

To: Trials <Trials@USPTO.GOV>

Cc: Weidenfeller, Scott <SWeidenfeller@cov.com>; Garr, David <dgarr@cov.com>; SDC-BOE-IPR <SDC-BOE-IPR@cov.com>; Martinelli, Richard F. <rmartinelli@orrick.com>

Subject: IPR2023-01221

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Board,

I am backup counsel for Petitioners in IPR2023-01221. Petitioners write to seek authorization to file a motion to terminate this IPR. The IPR was filed on July 26, 2023, and the Patent Owner's Preliminary Response is not due until November 28, 2023. Petitioners have asked Patent Owner to provide its position on this request, but to date Patent Owner has not provided any such position.

Should a teleconference be needed, Petitioners are available Monday, September 11, from 12-3PM Eastern time, or Tuesday Sept. 12th from 12-4PM Eastern time.

Sincerely,

Don Daybell
Reg. No. 50877

Don Daybell

Attorney at Law

Orrick

Orange County 

T +1-949-852-7735

ddaybell@orrick.com

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