

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEURENT MEDICAL INC. & NEURENT MEDICAL LTD.,
Petitioners,

v.

AERIN MEDICAL INC.,
Patent Owner.

Case IPR2024-00275
Patent No. 9,072,597 B2

**JOINT MOTION TO TERMINATE AND
REQUEST FOR ADVERSE JUDGMENT**

Pursuant to 35 U.S.C. § 317, 37 C.F.R. §§ 42.5, 42.71(a), 42.72 and 42.73, and the Board's authorization of January 16, 2025, Petitioner Neurent Medical Inc & Neurent Medical Ltd. ("Petitioners") and Patent Owner Aerin Medical Inc. ("Patent Owner") jointly move to terminate the present *inter partes* review proceeding in light of the disclaimer filed by Patent Owner disclaiming all challenged claims.

Pursuant to 37 C.F.R. § 42.73, "[a] party may request judgment against itself at any time during a proceeding," and "[a]ctions construed to be a request for adverse judgment include: (1) Disclaimer of the involved application or patent." On Oct. 24, 2024, Patent Owner filed a Statutory Disclaimer, Exhibit 2001, which disclaims challenged claims 9, 14, 16, 18, 20, 22-24, 44 and 46 in U.S. Patent No. 9,072,597. Petitioner and Patent Owner confirm that, in view of the Statutory Disclaimer (Exhibit 2001), no challenged claims remain in this proceeding.

For the foregoing reasons, Petitioner and Patent Owner jointly and respectfully request that the instant proceeding be terminated. Additionally, Patent Owner requests entry of adverse judgment as to claims 9, 14, 16, 18, 20, 22-24, 44 and 46 in U.S. Patent No. 9,072,597.

Dated: January 21, 2025

Respectfully submitted,

/s/ David Cavanaugh

David Cavanaugh (Reg. No. 36,476)
David.Cavanaugh@wilmerhale.com

Gregory Lantier
Gregory.Lantier@wilmerhale.com;

Alexis Cohen (Reg. No. 76,998)
Alexis.Cohen@wilmerhale.com;

Joshua Stern
Joshua.Stern@wilmerhale.com;

Alexander Nemtzow (Reg. No. 82,130)
Alex.Nemtzw@wilmerhale.com;

Brian Lambson (Reg. No. 72,570)
Brian.Lambson@wilmerhale.com;

Wilmer Cutler Pickering Hale and Dorr
LLP
2100 Pennsylvania Avenue NW
Washington, DC 20037
Tel: (202) 663-6000, Facsimile: (202)
663-6363

*Attorneys for Neurent Medical Inc. &
Neurent Medical Ltd.*

/s/ Trenton Ward

Trenton Ward (Reg. No. 59,157)
Greenberg Traurig, LLP
Terminus 200
3333 Piedmont Road NE, Suite 2500
Atlanta, GA 30305
Telephone: 678-553-2100
Facsimile: 678-553-2212
Trenton.Ward@gtlaw.com

Heath J. Briggs (Reg. No. 54,919)
Greenberg Traurig, LLP
1144 15th St. Suite 3300
Denver, CO 80202
Telephone: 303-685-7418
Facsimile: 720-904-6118
BriggsH@gtlaw.com

Stephen M. Ullmer (pro hac vice
forthcoming)
Greenberg Traurig, LLP
1144 15th St. Suite 3300
Denver, CO 80202
Telephone: 303-685-6579
Facsimile: 303-572-6540
UllmerS@gtlaw.com

Benjamin P. Gilford (Reg. No.
72,072)
Greenberg Traurig, LLP
90 South 7th Street, Suite 3500
Minneapolis, MN 55402
Telephone: 612.259.9683
Facsimile: 312.873.4694
gilfordb@gtlaw.com

Elana Araj (Reg. No. 75,804)
Greenberg Traurig, LLP
One Vanderbilt Avenue
New York, NY 10017
Telephone: 212.801.6566
Facsimile: 212-801-6400
Elana.Araj@gtlaw.com

*Attorneys for Patent Owner Aerin
Medical Inc.*