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To: Steven.Peters@lw.com; [Trials](#)
Cc: Charles.Sanders@lw.com; Cecilia.Peniza@lw.com; Lauren.Rosen@lw.com; Kevin.Wheeler@lw.com; GYonay@PearlCohen.com; ZPearl@PearlCohen.com; KAuteri@PearlCohen.com; MEadan@PearlCohen.com; endymed@PearlCohen.com
Subject: RE: IPR2024-00383 et al. - Authorization to File Motions to Terminate
Date: Friday, March 14, 2025 11:47:24 AM

Counsel,

Patent Owner's request for authorization to file a motion to terminate in each of the above proceedings is *denied*. Patent Owner is reminded to file an Updated Mandatory Notice once the ITC investigation is completed.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Steven.Peters@lw.com <Steven.Peters@lw.com>
Sent: Thursday, March 13, 2025 11:30 AM
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Subject: IPR2024-00383 et al. - Authorization to File Motions to Terminate

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IPR2024-00383
IPR2024-00384
IPR2024-00386
IPR2024-00463

Honorable Board,

Patent Owner seeks authorization to file Motions to Terminate the above-captioned proceedings in light of the Office's change in policy regarding discretionary denial. On February 28, the Office rescinded the June 21, 2022 memorandum titled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation." That memo stated that the *Fintiv* factors do not apply to parallel proceedings at the U.S. International Trade Commission (ITC).

Because the Board emphasizes system efficiency and fairness, Patent Owner respectfully requests authorization to file Motions to terminate these proceedings, without the Board rendering final written decisions, in view of parallel ITC litigation, where an evidentiary hearing was held months ago and an Initial Determination has been made, with findings on the patentability of these challenged patents, and a Final Determination from the Commission is scheduled for April 21. See 37 C.F.R. § 42.72; *Sony Corp. v. Optimum Imaging Techs., LLC*, IPR2024-00923, Paper 24 at 2-3 (Mar. 11, 2025) (authorizing Motion to Terminate after rescission of the *Fintiv* Memo).

The Parties are available at the Board's convenience for a conference call if desired, and at the times listed below. Counsel for Petitioner has indicated that it will not oppose the request to file the Motions if Petitioner is authorized to file briefs opposing the Motions.

The Parties are available for a teleconference with the Board on Monday, March 17 from 3-5pm ET, and Tuesday, March 18, from 2-5pm ET.

Respectfully Submitted,
Steven Peters
Counsel for Patent Owner

Steven Peters

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