

From: [Nathan Lowenstein](#)
To: [Trials](#); [Joshua Stowell](#)
Cc: [Colette Woo](#); [Kenneth Weatherwax](#); [Craig Summers](#); [Brian Barnes](#); [Lit EWLIFL.028LP4](#)
Subject: RE: Edwards Lifesciences v. Aortic Innovations, IPR2024-00390
Date: Friday, April 12, 2024 6:12:56 PM

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Dear Honorable Board,

I write on behalf of Patent Owner, Aortic Innovations, to confirm that it does not oppose Petitioner's motion to dismiss the petition filed in IPR2024-00390.

Respectfully,

Nathan Lowenstein | [Lowenstein & Weatherwax LLP](#)
1016 Pico Blvd., Santa Monica, CA 90405
Office: 310.307.4502

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, April 4, 2024 5:24 AM
To: Joshua Stowell <Joshua.Stowell@knobbe.com>; Trials <Trials@USPTO.GOV>
Cc: Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Craig Summers <Craig.Summers@knobbe.com>; Brian Barnes <Brian.Barnes@knobbe.com>; Lit EWLIFL.028LP4 <LitEWLIFL.028LP4@knobbe.com>
Subject: RE: Edwards Lifesciences v. Aortic Innovations, IPR2024-00390

Counsel,

From the Board –

Based on Petitioner's email, the panel does not believe that a conference call is needed at this time. Petitioner is authorized to file a motion to dismiss the petition **no later than April 11, 2024**.

Petitioner represents that Patent Owner does not oppose dismissal of the petition, provided a motion for such relief is filed promptly. If Patent Owner intends to oppose Petitioner's motion to dismiss, Patent Owner must notify the Board via email **no later than April 15, 2024**, and request a conference call with the panel to discuss a briefing schedule. Assuming Petitioner's motion is unopposed, the panel expects that it will decide the motion promptly, and possibly before the present due date for Patent Owner's Preliminary Response (POPR) on April. 19, 2024.

Patent Owner also seeks the Board's guidance whether the POPR must be filed if Petitioner's

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anticipated motion remains pending on April 19, 2024. To address that contingency and avoid the potential unnecessary filing of the POPR while the Board considers Petitioner's forthcoming motion, **we hereby extend the due date for the POPR to May 3, 2024.**

Regards,

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

From: Joshua Stowell <Joshua.Stowell@knobbe.com>
Sent: Tuesday, April 2, 2024 6:04 PM
To: Trials <Trials@USPTO.GOV>
Cc: Nathan Lowenstein <lowenstein@lowensteinweatherwax.com>; Colette Woo <woo@lowensteinweatherwax.com>; Kenneth Weatherwax <weatherwax@lowensteinweatherwax.com>; Craig Summers <Craig.Summers@knobbe.com>; Brian Barnes <Brian.Barnes@knobbe.com>; Lit EWLIFL.028LP4 <LitEWLIFL.028LP4@knobbe.com>
Subject: Edwards Lifesciences v. Aortic Innovations, IPR2024-00390

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Re: *Edwards Lifesciences Corp. v. Aortic Innovations, LLC*
Case No.: IPR2024-00390

Dear PTAB Trials,

Petitioner requests a conference call with the Board to request leave to file a motion to dismiss the petition filed in IPR2024-00390. The motion to dismiss is not the result of any agreement or understanding between the parties. Patent Owner does not oppose the motion to dismiss so long as it is filed promptly. Relatedly, the deadline for Patent Owner to file its Preliminary Patent Owner Response (POPR) is April 19, 2024. Patent Owner would like the Board's guidance regarding whether it needs to file a POPR given the requested motion to dismiss.

The parties are available at the following times for the requested conference call (all times eastern):

Wednesday, April 3 – 1 p.m.-5 p.m.
Thursday, April 4 – 2 p.m.-3 p.m.
Friday, April 5 – 2 p.m.-5 p.m.
Monday, April 8 – 2 p.m.-5 p.m.

Counsel for Patent Owner is copied on this email.

Best Regards,

Joshua Stowell

Partner

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