From:	Elizabeth O"Brien
To:	Trials
Cc:	Tom Dunham; Robert Molitors; PTAB Marc Johannes; PTAB Randy Pritzker
Subject:	IPR2024-01046
Date:	Saturday, March 1, 2025 8:50:31 PM

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May it please the Board,

Yesterday, the USPTO rescinded the June 21, 2022, memorandum entitled "Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation" (Memorandum).

In the Institution Decision, the Board declined to consider discretionary denial under § 314(a) in view of Petitioner's *Sotera* stipulation. Paper 11 at 7. This proceeding is, however, still in its early stages.

Because the Board emphasizes system efficiency and fairness, Patent Owner respectfully requests authorization to file a motion to terminate this proceeding, without the Board rendering a final written decision, in view of parallel district court litigation. *See* 37 C.F.R. § 42.72. In the alternative, Patent Owner respectfully requests the Board authorize Patent Owner to file a request for rehearing of the institution decision outside the 14-day window, or authorize Patent Owner to partake in any other procedure the Board may prescribe to address the change in policy. *See* 37 C.F.R. §§ 42.5, 42.71.

Patent Owner is available at the Board's convenience for a conference call if desired.

Counsel for Petitioner is copied on this email.

Thank you,
Elizabeth O'Brien
(Back-up Counsel for Patent Owner)

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