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Subject: RE: IPR2024-00953, Shenzhen Root Technology Co., Ltd. v. Chiaro Technology Ltd.
Date: Monday, July 22, 2024 9:51:23 PM
Attachments: [image001.png](#)

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Dear Honorable Board,

Petitioner and Patent Owner met and conferred on this topic earlier today. Petitioner indicated that upon termination they will refile the Petition. Patent Owner indicated they disagree with termination because Petitioner will merely file a follow-on petition. The Board has indicated that a follow-on petition is an undesirable waste of Board resources. *See Fresenius-Kabi USA LLC, v. Astrazeneca A.B.*, IPR2017-01910, Paper 7, 4 (P.T.A.B. 2017) (explaining that “a grant of a request to withdraw the instant petitions, under circumstances that leave open the possibility that Petitioner will file follow-on petitions, would prejudice Patent Owner”). In contrast, the Board will dismiss a petition where circumstances or assurances by the Petitioner preclude the filing of a follow-on petition. *See Samsung Electronics Co. v. Nvidia Corp.*, IPR2015-01270, Paper 11, 3 (P.T.A.B. 2015) (follow-on petition precluded by statutory bar) and *Unified Patents, LLC v. Motion Offense, LLC*, IPR2020-00705, Paper 14, 7 (P.T.A.B. 2020) (petitioner provided assurances against filing a follow-on petition). That is not the case here, where Petitioner clearly intends to file a follow-on petition. Patent Owner prefers to proceed with the petition that was filed and against which the Patent Owner has invested significant resources to develop a response.

The parties remain available for a call to discuss this further, if needed.

Regards,
Graham Phero
Counsel for Patent Owner

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Exhibit 3001

Chiaro Technology EX2007
IPR2024-01296
U.S. Patent No. 11,413,380

<PTAB@sterneckessler.com>; PTAB Account <PTAB@sterneckessler.com>

Subject: IPR2024-00953, Shenzhen Root Technology Co., Ltd. v. Chiaro Technology Ltd.

EXTERNAL EMAIL: Use caution before clicking links or attachments.

Dear Board,

Petitioner requests administrative dismissal (prior to institution) of the Petition in IPR Case No. IPR2024-00953. *See, e.g., Hesai Technology Co. Ltd. v. Ouster Inc.*, IPR2023-01375, Paper 5, p. 2 (September 20, 2023) (“Patent Owner has not yet filed a preliminary response and a decision whether to institute a trial has not issued. Under these circumstances, I grant Petitioner’s request to dismiss the Petitions”). Any refiled petition will discuss the District Court’s June 28 Order in related case *Shenshen Root Technology Co., Ltd. v. Chiaro Technology, Ltd.*, 2-23-cv-00631 (WDWA), which struck the trial date and pretrial schedule and was issued only after the filing of the Petition in IPR Case No. IPR2024-00953. Petitioner acknowledges that any refiled petition will result in a new Notice According A Filing Date, which will thus establish a new (later) due date for any Preliminary Response and thereby avoid prejudice to Patent Owner.

Patent Owner opposes this request.

If the Board would like to have a conference call regarding this request, Petitioner will confer with Patent Owner and provide times of mutual availability.

Sincerely,

Gene Lee | Perkins Coie LLP

PARTNER

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