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Paper 60____
Date: January 21, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC, and
FREEDMAN ELECTRONICS PTY LTD.,
Petitioner,

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00230 (Patent 7,711,443 B1)
IPR2025-00232 (Patent 10,276,207 B1)¹

Before JUSTIN T. ARBES, MIRIAM L. QUINN, and STEPHEN E. BELISLE,
Administrative Patent Judges.

QUINN, *Administrative Patent Judge.*

ORDER

Denying Patent Owner's Motion to Terminate and for Sanctions
37 C.F.R. § 42.5

¹ This Order addresses issues pertaining to the captioned cases. Therefore, we exercise our discretion to issue one Order to be filed in each case.

With authorization of the Board (Paper 37),² Patent Owner filed a Motion for Sanctions and Vacatur of Institution/Termination. Paper 42 (“Motion” or “Mot.”). The Motion sets forth Patent Owner’s arguments and evidence supporting the contention that Petitioner, RØDE Microphones, LLC (“RØDE”), and Freedman Electronics Pty Ltd. (“Freedman”), failed to name Lectrosonics, Inc. (“Lectrosonics”) as a real party in interest (“RPI”). Mot. 1–2; *see* Paper 1 at xi (identifying only RØDE and Freedman as RPIs); 35 U.S.C. § 312(a)(2) (a petition for *inter partes* review (IPR) “may be considered only if . . . the petition identifies all real parties in interest”). Patent Owner requests that we vacate the institution decisions and terminate these proceedings because the failure to update an RPI cannot be cured in this instance, and urges that Petitioner’s refusal to update the RPI status warrants sanctions. *Id.*

Petitioner filed a Response opposing the Motion. Paper 49 (“Opp.”). Petitioner denies that Lectrosonics is an RPI, and argues that even if Lectrosonics were found to be an RPI, update of RPI in mandatory notices is permitted. Opp. 1. Because we are persuaded by the evidence presented that Lectrosonics is not an RPI in these proceedings, we deny Patent Owner’s Motion. Before we turn to a discussion of whether Lectrosonics is an RPI, we address Petitioner’s contention that Patent Owner waived the issue for failure to raise it timely.

I. ISSUE: WAIVER BY PATENT OWNER

Petitioner contends that Zaxcom, Inc. (“Patent Owner” or “Zaxcom”) should have raised the RPI issue on June 2, 2025, when it filed a motion to terminate in a related proceeding, IPR2025-00231 (“the ’231 IPR”). Opp. 1.

² Identical papers are filed in each proceeding. For ease of reference, we only cite and refer to the papers and exhibits filed in IPR2025-00230.

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For context, we terminated the '231 IPR upon a determination that Lectrosonics became a privy of Petitioner upon Petitioner's acquisition of Lectrosonics, as a wholly-owned subsidiary. '231 IPR, Paper 33 at 7–8 (relying on *Power Integrations, Inc. v. Semiconductor Components Indus., LLC*, 926 F.3d 1306, 1314 (Fed. Cir. 2019), stating that “[c]ourts have repeatedly found privity where, *after a suit begins*, a nonparty acquires assets of a defendant-infringer”) (“the '231 IPR decision”). Our '231 IPR decision focused solely on whether Lectrosonics and Petitioner were in privity under factors 2 and 5 of *Taylor v. Sturgell*, 553 U.S. 880, 893–95 (2008). *Id.* at 9. The decision did not reach a determination of whether Lectrosonics was an RPI in the '231 IPR. Patent Owner's motion in the '231 IPR alleged many of the facts alleged in the instant proceedings. Thus, Petitioner argues that Patent Owner was in possession of the facts alleged in the instant Motions, which were not raised until November 13, 2025, five months after Patent Owner filed the motion to terminate in the '231 IPR. Paper 37, 1; Opp. 1–2.

We do not agree with Petitioner. Patent Owner argues that certain triggering events did not occur until October 28, 2025. Mot. 12. For instance, Patent Owner asserts that it discovered an August 8, 2025 press release purporting to announce an agreement between Audinate and “[t]he Freedman Group,” which includes Lectrosonics (Ex. 2162). *Id.* And the Director of the USPTO, on October 28, 2025, designated as precedential *Corning Optical Communications RF, LLC v. PPC Broadband Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (except for § II.E.1) (“*Corning*”), and issued a

Memorandum³ announcing this designation. Patent Owner asserts that the very next day it sought a meet and confer with Petitioner on the RPI issue for the instant proceedings. Mot. 12. Although the Audinate agreement was made public three months before Patent Owner raised the RPI issue anew, we have an intervening change in legal precedent that affects whether Petitioner should have updated mandatory notices to identify an unnamed RPI, even though there is no issue here with respect to the one-year time bar of 35 U.S.C. § 315(b).⁴

We are sympathetic to Petitioner's objection to raising an RPI issue here when Patent Owner presented none of it in its Patent Owner Responses filed on September 8, 2025, at least to preserve the issue given the substantial overlap with the facts alleged months earlier in the '231 IPR. Opp. 1. Under typical circumstances, a Patent Owner waives arguments that it fails to raise in the Patent Owner Response. *See Scheduling Order*, Paper 15, 10. However, the change in legal precedent, occurring after the date for the Patent Owner Responses here, is a factor we strongly consider in mitigating any waiver. Accordingly, and under the unique circumstances presented in these proceedings, we determine that Patent Owner has not waived the RPI issue.

³ Found in the USPTO website at, https://www.uspto.gov/sites/default/files/documents/Precedential_designation_of_Corning_Optical_Communications_RF_LLC_v._PPC_Broadband_Inc_Memo_-_Dated_10_28_25.pdf ("Memorandum").

⁴ The Memorandum also de-designated *SharkNinja Operating LLC v. iRobot Corp.*, IPR2020-00734, Paper 11 (PTAB Oct. 6, 2020), as precedential. Under *SharkNinja*, the Board did not need to decide the issue of RPI if the outcome of the determination would not implicate the time-bar under 35 U.S.C. § 315(b). Lectrosonics has not been sued in district court on the basis of the challenged patents, and therefore, there is no time-bar here that would apply if Lectrosonics were an RPI.

II. ISSUE: WHETHER LECTROSONICS IS AN RPI

Patent Owner identifies four aspects of the RPI inquiry that warrant the outcome it requests. First, Patent Owner argues that there is a pre-existing established relationship between Lectrosonics and Petitioner, such that Petitioner should have identified Lectrosonics as an RPI. Second, Patent Owner alleges that by calling itself “the Freedman Group,” and because of the close corporate relationship between Lectrosonics and Petitioner, there is sufficient blurring of the lines of corporate separation. Third, Patent Owner argues that Lectrosonics could have exercised control of the instant proceedings. And finally, Patent Owner alleges that Lectrosonics stands to gain from these proceedings, and should be held to be the real beneficiary. On all four of these issues, we disagree with Patent Owner.

We note that it is “the IPR petitioner [who] bears the burden of persuasion to demonstrate that its petitions are not time-barred under § 315(b) based on a complaint served on a real party in interest more than a year earlier.” *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242 (Fed. Cir. 2018). Even though this case does not present a time-bar under § 315(b), the burden of persuasion remains with Petitioner to show that Lectrosonics is not an RPI. *See id.* (“[B]ecause the IPR petitioner is the party seeking an order [i.e., a final decision of unpatentability] from the Board, [5 U.S.C.] § 556(d) requires the petitioner to bear the burden of persuasion.”).

A. *Pre-existing Established Relationship Issue*

The Petitions giving rise to the instant proceedings were filed on December 4, 2024. Thereafter, the timeline of events relevant for our discussion focuses on the acquisition of Lectrosonics, as a wholly-owned subsidiary of Petitioner. *See* Opp. 4 (“here the Petitioners are the *parents* of Lectrosonics”);

Ex. 1082 ¶ 14 (explaining that RØDE is “the 100% owner of all Lectrosonics shares” and RØDE is “wholly owned by Freedman”). This occurred on May 9, 2025. Ex. 1082 ¶ 13. Thereafter, we instituted the instant proceedings on June 16, 2025. As stated above, we have already decided in the affirmative, in the ’231 IPR, the issue of whether Lectrosonics and Petitioner were in privity as of the time of institution. The same facts giving rise to that determination are alleged in these proceedings. However, we did not decide in the ’231 IPR whether the pre-existing legal relationship between Lectrosonics and Petitioner and the facts surrounding that relationship give rise to a finding of RPI. The issue of whether an entity is a real party in interest under 35 U.S.C. § 312(a)(2) is different from the issue of whether an entity is a “privy of the petitioner” under 35 U.S.C. § 315(b).⁵

As the court stated in *Applications in Internet Time, LLC v. RPX Corporation*, 897 F.3d 1336, 1351 (Fed. Cir. 2018) (“*AIT*”), we should apply a “flexible approach” in the real party in interest query that focuses on whether a “non-party is a clear beneficiary that has a preexisting, established relationship with the petitioner.” We are also mindful that we must be cautious not to “overextend[]” the reasoning set forth in *AIT* to any situation where “a party benefits generally from the filing of the Petition and also has a relationship with the Petitioner.” See *Ventex Co., Ltd. v. Columbia Sportswear N. Am., Inc.*, IPR2017-00651, Paper 148 at 10 (PTAB Jan. 24, 2019) (precedential) (citing *Unified Patents, Inc. v. Realtime Adaptive Streaming, LLC*, IPR2018-00883, Paper 36 at 14–15 (PTAB Oct. 11, 2018)) (“*Ventex*”). Therefore, the real party

⁵ See Trial Practice Guide § I.D.1 (last updated Dec. 12, 2025), available at <https://www.uspto.gov/patents/ptab/trial-practice-guide> (“The notion of ‘privity’ is more expansive, encompassing parties that do not necessarily need to be identified in the petition as a ‘real party-in-interest.’”) (“TPG”).

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in interest inquiry focuses more on “the relationship between a party and a proceeding,” whereas the privity inquiry focuses on “the relationship between parties.” *Aruze Gaming Macau, Ltd. v. MGT Gaming, Inc.*, IPR2014-01288, Paper 13 at 11, 13 (PTAB Feb. 20, 2015) (citing *Int’l Nutrition Co. v. Horphag Research, Ltd.*, 220 F.3d 1325, 1329 (Fed. Cir. 2000)) (emphasis omitted); TPG § I.D.1 (stating that the RPI for a proceeding is “the party that desires review of the patent” and “may be the petitioner itself, and/or it may be the party or parties at whose behest the petition has been filed,” whereas the privity analysis focuses on “the relationship between the purported ‘privity’ and the relevant other party”).

In *Corning*, the Board summarized considerations relevant to the RPI inquiry that evidence the relationship between a party and a proceeding. *Corning*, Paper 68 at 14–15. For instance, a common consideration is whether there was exercise of control or the non-party could have exercised control over a party’s participation in the proceeding. *Id.* at 14. Additional considerations may include whether the non-party funds and directs and controls the proceeding. *Id.* The nature of the entity filing the petition and the relationship between the party and the non-party, including the degree of involvement in the filing, may also be considered. *Id.* In short, the evidence as a whole must show that the non-party possessed effective control over the IPR proceeding or whether the actions of Petitioner blurred sufficiently the lines of corporate separation with the unnamed RPI, such that the non-party could have controlled the filing and participation in the proceeding. *Id.* at 15.

Given this discussion in our precedent, we determine that the findings we made previously with respect to the pre-existing established legal relationship for privity purposes do not indicate that Lectrosonics is an RPI in these proceedings. And as we discuss further below with respect to blurring the lines

of corporate separation, the additional facts here concerning the Audinate press release and the “Freedman Group” name do not elevate the pre-existing established legal relationship to that of an RPI.

The Audinate press release (Ex. 2162) refers to an agreement between Audinate and “the Freedman Group,” identified as the “parent company” of various “professional audio brands,” including “RØDE, Mackie, and [the] newly acquired Lectrosonics.” *Id.* The agreement is for integrating Audinate’s “Dante” platform into next-generation products across “The Freedman Group’s portfolio.” *Id.* There is nothing in the press release indicating that Lectrosonics is more than a wholly-owned subsidiary of Petitioner. Furthermore, as Petitioner notes, Lectrosonics was already a licensee of the Audinate platform (since 2020) and Petitioner had its own, separately negotiated license with Audinate since April 2025. Opp. 8 (citing Ex. 1082 ¶ 30). Furthermore, the evidence shows that Petitioner did not negotiate a license with Audinate for or on behalf of Lectrosonics and the purpose of the press release was to announce that all the companies in “the Freedman Group” could offer the Audinate technology. Ex. 1082 ¶ 30. We therefore do not see how the Audinate press release, which we did not consider in the ’231 IPR, elevates the pre-existing legal relationship beyond that of parties in privity.

We turn to evaluate whether the additional considerations identified in *Corning*, *AIT*, and *Ventex*, give rise to a finding of RPI.

B. Blurring of Corporate Lines of Separation

Patent Owner’s arguments on this issue focus on the operation of Lectrosonics as more than a wholly-owned subsidiary and on the blurring of corporate formalities. Mot. 3–6. The gist of the argument is that by holding themselves out as “the Freedman Group,” Lectrosonics and Petitioner operate as

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a “merged” group or entity, with “the Freedman Group” having its own management, employees, and contracts. *Id.* at 3. However, Petitioner argues that “the Freedman Group” is not a legal entity. Opp. 6. Further, the Audinate press release discussed above is marketing material referring to “the Freedman Group” as a parent company, but is not itself evidence that Petitioner and Lectrosonics operate as a “merged entity” as alleged by Patent Owner. Ex. 2162. Importantly, the CEO of Freedman, Damien Wilson, testifies that the term “Freedman Group” is not a separately incorporated legal entity. Ex. 1082 ¶ 6 n.1. In any event, the mentions of “the Freedman Group” throughout Patent Owner’s exhibits, if anything, show a marketing effort that unifies branding under one umbrella—it does not show that Lectrosonics, RØDE, and Freedman are entities that do not keep their lines of corporate separation, especially when it comes to legal formalities and/or the patents-at-issue and the decision to file the instant IPRs.

As for Patent Owner’s additional argument concerning “the Fredman Group,” Patent Owner submits that public statements of employees of Lectrosonics “undermine[] any claim of corporate separateness.” Mot. 4. In particular, a YouTube video of an interview of Dan Woodall and Karl Winkler shows these Lectrosonics employees discussing their technical collaboration. *Id.* at 4–5 (citing Exs. 2164A–B, 2176). We are not persuaded the video shows the merged operation that the RPI inquiry is focused on. As Petitioner argues, and we agree, the YouTube video shows that engineering personnel have engaged in cooperation with a related entity and that the parent company Freedman is investing in Lectrosonics. Opp. 7–8; Ex. 2164B. There is no evidence that the engineering cooperation spoken of in the video has resulted in or gives Lectrosonics a hand in deciding or controlling whether Petitioner files IPRs or

takes any legal action concerning the patents-at-issue. Furthermore, the one communication alleged between Lectrosonics and Petitioner concerning a patent validity analysis of a Zaxcom patent, has been shown to have occurred for purposes of the acquisition due diligence and had nothing to do with either of the patents-at-issue in these proceedings. Ex. 2165 ¶¶ 11, 19 (referencing U.S. Patent No. 9,336,307 and prior art that is not involved in these proceedings). Whatever that validity analysis involved, the evidence of record is that it has nothing to do with this proceeding and does not show that Lectrosonics had a part in, or could have exercised control over Petitioner's decision to file the petitions in the instant proceedings.

Patent Owner has also alleged that there is alignment between Petitioner and Lectrosonics as further evidence of the blur between corporate lines. Mot. 3–6. In the '231 IPR, we noted that as a result of the acquisition, the management structure of Lectrosonics included the CEO of Freedman, who became the Secretary and Treasurer of Lectrosonics. '231 IPR, Paper 33 at 9. But, as Petitioner notes here, no Lectrosonics employee assumed a management or Board position at Petitioner. Opp. 4 (citing Ex. 1082 ¶¶ 15–16). The asymmetry is important because Petitioner, being the parent company, may have obligations to oversee its wholly-owned subsidiary; but the reverse is not true. And there is no evidence that Lectrosonics's operation is such that it is able to influence its parent company generally with regard to IPRs or concerning the patents-at-issue in this proceeding. Mere overlap of personnel from the parent to oversee the wholly-owned subsidiary alone is insufficient to show the level of coordination that indicates that Petitioner is so intertwined with Lectrosonics, such that it can be said to be Lectrosonics's alter ego. *See* Opp. 3–4.

Indeed, it is important to note that in *Corning* the overlap of management and the intertwined operation of the entities stemmed from the parent and sister company controlling the affairs of the petitioner in that case. *Corning*, Paper 68 at 18–22 (presenting facts that legal counsel and directors represented or defended both the petitioner and the RPI (the parent company), the parent company paid the legal fees of the subsidiary and had a procedure for paying for invoices of legal fees, the parent company hired the legal counsel for the underlying litigation, and the parent company engaged in settlement negotiations). We do not have those facts here—Petitioner here is the parent company of the alleged RPI (Lectrosonics), and there is no evidence that Lectrosonics’s management or the reporting structure of Lectrosonics as a wholly-owned subsidiary up to its parent company (Petitioner) operate on par with the facts of *Corning*.

Rather, we are persuaded by the evidence presented in the form of testimony from Damien Wilson that Lectrosonics and Petitioner each have separate Board meetings and corporate filings. Ex. 1082 ¶ 29. They own, operate, and manage separate physical facilities, and they have their own separate employees, paid separately by each entity. *Id.* They conduct business in their own names such that Lectrosonics does not hold itself out as being Petitioner and vice versa. *Id.* The companies maintain their own income streams and pay their own expenses, maintaining separate bank accounts and separate corporate records, etc. *Id.* And the use of “the Freedman Group” indicates, not merged companies that operate as one, but rather a constellation of related, but separate companies that serve different market segments. *Id.*

In sum, the evidence presented does not show that Lectrosonics and Petitioner have blurred the lines of corporate formalities such that Lectrosonics

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could be said to have had any degree of involvement in the filing of the petitions in these proceedings or that it had any level of influence or status in which it could have controlled the filing of these IPRs.

C. Exercise of Control

Notwithstanding the lack of evidence that Lectrosonics did control or could have controlled the filing of these IPRs, Patent Owner argues that Damien Wilson’s position as Director of both Petitioner and Lectrosonics, and Lectrosonics’s Secretary/Treasurer, makes the lack of exercise of control a “literal impossibility.” Mot. 6. Because Damien Wilson has “ultimate management responsibility for and knowledge of this IPR proceeding,” Patent Owner argues that it would be a breach of fiduciary duty for Mr. Wilson to not be involved in the filing of these IPRs on behalf of Lectrosonics, particularly because he has dual executive roles at Petitioner and Lectrosonics, which he exercises simultaneously. *Id.* (citing Ex. 2165 ¶ 17). Thus, because Damien Wilson is legally bound to consider Lectrosonics when decision-making for these IPRs, Patent Owner argues, Lectrosonics could have exercised control over Petitioner’s participation in the IPRs. We do not agree with Patent Owner.

Lectrosonics and Petitioner did not begin communications about the acquisition until after the petitions in these IPRs were filed. Ex. 1082 ¶ 23. So there is zero evidence that Lectrosonics could have controlled or had an opportunity to control *the filing* of these IPRs. *See AIT*, 897 F.3d at 1351 (the RPI inquiry looks to “whether a petition has been filed at a nonparty’s ‘behest’”). Post acquisition, we have to evaluate whether Damien Wilson’s supervisory responsibility for Lectrosonics (Ex. 1082 ¶ 6) alone would be sufficient to impute Lectrosonics with having an opportunity to control the IPRs. We decline to do so on the facts before us. Although Mr. Wilson admits that he

has the ultimate responsibility for these IPRs (as the CEO of the ultimate parent company Freedman) (*id.* ¶ 17), there is no evidence that upon consulting with counsel (hired by RØDE and Freedman), he represented the interests of anyone but Petitioner, and there has been no guidance or input by him in conducting these proceedings since the IPRs were filed. *Id.* ¶ 24. In other words, even if there were any fiduciary duty imputed to Mr. Wilson's actions as Director or Secretary/Treasurer of Lectrosonics, no actions have been taken by Mr. Wilson such that Lectrosonics could be said to have had an opportunity to control. The actions of conducting the IPRs have "been left to the discretion of outside counsel, . . . who have been retained by and represent Petitioner[], and not Lectrosonics." *Id.* This fact persuades us that there is no evidence here that Lectrosonics could have exercised control of these proceedings, even under the legally unsupported theory that the mere overlap of corporate leadership by Mr. Wilson, as Director of Lectrosonics and a Director of Petitioner, creates a fiduciary duty to control the IPRs on behalf of both entities.

D. Who Benefits from the Proceedings

Finally, Patent Owner argues that Lectrosonics is the beneficiary of both IPRs. Mot. 7–8. Patent Owner posits that Lectrosonics stands to gain from an outcome of unpatentability of the patents-at-issue because of new firmware that Lectrosonics would be allowed to sell in the United States. *Id.* Patent Owner also argues that financial gains by Lectrosonics inure to the benefit of Petitioner as the parent company and that the acquisition of Lectrosonics was because of Zaxcom's patents. *Id.* We do not agree with Patent Owner.

First, Petitioner presents sufficient evidence showing that Lectrosonics would not benefit from these IPRs. Opp. 8–11. For instance, Petitioner states that Zaxcom has not accused Lectrosonics of infringing the patents-at-issue in

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this proceeding (unlike the '231 IPR, where Lectrosonics had been sued for infringement of the challenged patent), U.S. Patent No. 10,276,207 is expired, and U.S. Patent No. 7,711,443 is not a concern because none of Lectrosonics's products receive wireless master timecodes [REDACTED]

[REDACTED]. *Id.* (citing Ex. 1082 ¶¶ 20–22, 25, 26; Ex. 1081, 2, 25; Ex. 1080, 13; Ex. 2178 ¶¶ 4, 19, 28, 37; Ex. 1079). As for the non-U.S. firmware that Patent Owner proffers as evidence of potentially infringing in the United States should Petitioner prevail, that argument is highly speculative. The possibility that Lectrosonics may offer for sale in the United States some product that Zaxcom assumes might infringe in the future is not persuasive evidence that Petitioner maintains these IPRs for the benefit of Lectrosonics.

Second, a general financial interest in the welfare of Lectrosonics is not reason to hold it is an RPI. As stated, we must be careful to not overextend the reasoning of *AIT* regarding evaluating who benefits from the IPR to situations where a party benefits generally. *See Ventex*, Paper 148 at 10. Having a corporate structure that reports up to the parent for consolidating financial statements is not, by itself, reason to hold that the wholly-owned subsidiary benefits from an IPR filed by the parent.

Third, Patent Owner speculates about and we find unpersuasive the allegation that Zaxcom was the reason Lectrosonics and Petitioner entered into the acquisition. Petitioner dispels this with unrebutted testimony of Petitioner's Technology Director, Peter Schillebeeckx: “[i]n June 2024, Freedman became interested in exploring the possibility of a technical collaboration with Lectrosonics [REDACTED] involving [REDACTED].” Ex. 1085 ¶ 3; *see also* Ex. 1082 ¶ 12 (discussing the first communications between Freedman and Lectrosonics). The acquisition, according to Damien Wilson, was advantageous,

not because of Zaxcom, [REDACTED]
[REDACTED], serving a specialized professional segment in the audio market, whereas RØDE occupies the consumer and prosumer segment of the market. Ex. 1082 ¶ 28. And even though Zaxcom's litigation against Petitioner came up during the initial talks, the motivating factor for the acquisition, according to Mr. Wilson, was not Zaxcom but the business desire to complement RØDE's portfolio of technologies for the audio market. *Id.* In any event, even giving some weight to the fact that Zaxcom came up in the initial conversation does not warrant a finding that Lectrosonics benefits from the filing of the instant proceedings. Taking a holistic view of the facts presented, we find that Petitioner had its own interest in filing the IPRs, and although Lectrosonics may see a tangential benefit of the IPRs, such benefit is too generalized to hold that the IPRs continue to be maintained to benefit Lectrosonics as an RPI in these proceedings.

III. CONCLUSION

On the facts of record we determine that Lectrosonics is not a real party in interest in the instant proceedings, Petitioner correctly identified all RPIs, and the Petitions are in condition for consideration. Therefore, we need not consider further arguments that Patent Owner presents in support of a request for sanctions or termination of the proceedings. Because we have determined that Lectrosonics is not an RPI, Petitioner has no need to update its mandatory notices. And therefore any argument that a failure to do so warrants termination is rendered moot.

In consideration of the foregoing, it is hereby:

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ORDERED that Patent Owner's Motion in each of the instant proceedings
is denied.

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