UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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iRhythm Technologies, Inc.

Petitioner,

v.

Welch Allyn, Inc.,

Patent Owner.

Case: IPR2025-01081
U.S. Patent No. 8,630,699

MOTION TO WITHDRAW
PETITION FOR *INTER PARTES* REVIEW

EXHIBIT LIST (37 C.F.R. § 42.63(e))

Exhibit No.	Description
1001	U.S. Patent No. 8,630,699
1002	File History of U.S. Patent No. 8,630,699
1003	Expert Declaration of Jason Heikenfeld
1004	*Curriculum Vitae* of Dr. Jason Heikenfeld, Ph.D.
1005	U.S. Patent Publication No. 2003/0149349 ("Jensen")
1006	Certified English Translation of Japanese Pat. Pub. JP2004/121360 ("Matsumura")[1]
1007	U.S. Patent No. 4,763,660 ("Kroll")
1008	Khandpur, Raghbir Singh. *Printed Circuit Boards: Design, Fabrication, Assembly and Testing*. New York: McGraw Hill, 2006
1009	U.S. Patent No. 6,223,080 ("Thompson")
1010	Jan Adamec & Richard Adamec, *ECG Holter, Guide to Electrocardiographic Interpretation* (2008)
1011	Gautham Kalahasty et al., *A Brief History of Remote Cardiac Monitoring*, 5 Cardiac Electrophysiology Clinics 275 (2013)

[1] Exhibit 1046 is the original Japanese language Matsumura reference, and Exhibit 1047 is the declaration attesting to the accuracy of the translation in Exhibit 1006. Exhibit 1047 refers to Exhibit 1006 as "403-45924_JP2004121360A_JA into EN," with JP2004121360A being the publication number of Matsumura.

Exhibit No.	Description
1012	Edward K. Chung, *Ambulatory Electrocardiography Holter Monitor Electrocardiography* (1979)
1013	U.S. Patent Publication No. 2006/0224072 ("Shennib")
1014	Daniel E. Becker, *Fundamentals of Electrocardiography Interpretation,* 53 Anesthesia Progress 53, 53 (2006)
1015	Brian Burkhardt, *The Future of Electrocardiograph Telemetry Systems*, Int'l Telemetering Conference Proceedings (2004)
1016	PCT Publication WO 2008/005015 A1
1017	Majd AlGhatrif & Joseph Lindsay, *A Brief Review: History to Understand Fundamentals of Electrocardiography*, 2 J. Community Hosp. & Internal Med. Persps. 14383 (2012)
1018	NLM, *In brief: What is an electrocardiogram (ECG)?*, *available at* https://www.ncbi.nlm.nih.gov/books/NBK536878/
1019	Michael R. Neuman, *Biopotential Electrodes*, Medical Instrumentation (3d ed. 1998)
1020	Robert P. Grant, *Spatial Vector Electrocardiography*, Circulation Vol. II, 676 (Nov. 1950)
1021	ACLS Medical Training, *The Basics of ECG*, *available at* https://www.aclsmedicaltraining.com/basics-of-ecg/
1022	Euan A. Ashley & Josef Niebauer, *Cardiology Explained* (2004), *available at* https://www.ncbi.nlm.nih.gov/books/NBK2204/
1023	Am. Coll. Cardiology, Am. Heart Ass'n Task Force on Prac. Guidelines, *ACC/AHA Guidelines for Ambulatory Electrocardiography: Executive Summary and Recommendations*, 100 Circulation 886 (1999), *available at* https://www.ahajournals.org/doi/full/10.1161/01.cir.100.8.886
1024	Mike Cadogan, *Norman J. Holter* (2022), *available at* https://litfl.com/norman-j-holter/

Exhibit No.	Description
1025	Joel Morganroth, *Ambulatory Holter Electrocardiography: Choice of Technologies and Clinical Uses*, Annals of Internal Med. (1985)
1026	Nitish V. Thakor, *From Holter Monitors to Automatic Defibrillators: Developments in Ambulatory Arrhythmia Monitoring*, IEEE Transactions |on Biomed. Eng'g, 770 (1984)
1027	U.S. Patent No. 6,454,708 ("Ferguson")
1028	David Prutchi & Michael Norris, *Design and Development of Medical Electronic Instrumentation* (2005)
1029	U.S. Patent Publication No. 2005/0096513
1030	AAMI, *Cardiac monitors, heart rate meters, and alarms*, ANSI/AAMI EC13:2002 (2002)
1031	U.S. Patent No. 5,169,679 ("Palanisamy")
1032	U.S. Patent No. 6,229,098 ("Dunn")
1033	U.S. Patent No. 6,238,338 ("DeLuca")
1034	U.S. Patent No. 4,280,507 ("Rosenberg")
1035	U.S. Patent No. 5,093,036 ("Shafe")
1036	U.S. Patent No. 8,334,464 ("Edwards")
1037	AAMI, *Ambulatory Electrocardiographs*, ANSI/AAMI EC38:1998 (1998)
1038	PCT Publication WO 1987/01024 A1 ("Dunseath")
1039	Roger A. Freedman & Hugh D. Young, *University Physics* (15th ed. 2019)
1040	Bruce R. Bowman & Edward Schuck, *Medical Instruments and Devices Used in the Home*, CRC Press LLC (2000)
1041	U.S. Patent Publication No. 2003/0055460 ("Owen")

Exhibit No.	Description
1042	Patrick J. Nolan, *Sterile Medical Device Package Development*, Standard Handbook of Biomedical Eng'g & Design (2004)
1043	Tilak Shah, *Polyurethane Thin-Film Welding for Medical Device Applications*, Med. Device and Diagnostic Indus. (2002)
1044	J. Mühlsteff et al., *Wearable Approach for Continuous ECG –and Activity Patient-Monitoring*, 26th Ann. Int'l Conf. of IEEE Eng. Med. & Bio. Society, San Francisco, CA, USA, 2004
1045	Jameco Electronics, *8-Pin, 8-Bit CMOS Microcontrollers Data Sheet*, https://web.archive.org/web/20031126132956/http://jameco.com/Jameco/Products/ProdDS/200475.pdf (available as of Nov. 26, 2003)
1046	Japanese Patent Publication No. JP2004/121360
1047	Certificate of Translation for Japanese Patent Publication No. JP2004/121360
1048	Minute Order, *Welch Allyn, Inc. v. iRhythm Techs., Inc.*, No. 1:24-cv-00224-MN, (D. Del. Jan. 28, 2025)
1049	Scheduling Order, *Welch Allyn, Inc. v. iRhythm Techs., Inc.*, No. 1:24-cv-00224-MN, Dkt. No. 25 (D. Del. Jan. 15, 2025)
1050	Declaration of Sylvia D. Hall-Ellis
1051	*Curriculum Vitae* of Dr. Sylvia D. Hall-Ellis, Ph.D.
1052	Machine-Readable Cataloging record for R.S. Khandpur, *Printed Circuit Boards: Design, Fabrication, Assembly and Testing*
1053	MARC Display, Library of Congress Authorities
1054	AAMI, *Diagnostic electrocardiographic devices*, ANSI/AAMI EC11:1991 (1991)

Exhibit No.	Description
1055	Email Message from Counsel for Patent Owner to Counsel for Petitioner re iRhythm Technologies, Inc. v. Welch Allyn, Inc. (IPR2025-01081) (June 9, 2025)
1056	Email Message from Counsel for Patent Owner to Counsel for Petitioner re iRhythm Technologies, Inc. v. Welch Allyn, Inc., Case IPR2025-010801 (Sept. 11, 2025)
1057	Email Message from PTAB to Counsel for Petitioner and Patent Owner re iRhythm Technologies, Inc. v. Welch Allyn, Inc., Case IPR2025-010801 (Oct. 1, 2025)

I. INTRODUCTION

On October 1, 2025, the Board authorized Petitioner iRhythm Technologies, Inc. to move to withdraw its pending petition for inter partes review of U.S. Patent No. 8,630,699 (the "'699 patent"), relating to Petition No. IPR2025-01081. Petitioner now files this motion to withdraw.

This proceeding is at a preliminary phase: The Director has not issued a decision on discretionary denial, and the Board has not reached the merits or issued an institution decision. Permitting the withdrawal of the petition, and terminating Petition No. IPR2025-01081, would promote efficiency and preserve the resources of the Board and the parties.

II. BACKGROUND

On May 30, 2025, Petitioner filed the present petition for *inter partes* review of the '699 patent. *iRhythm, Techs. Inc. v. Welch Allyn, Inc.*, IPR2025-01081, Paper 2 at 1 (P.T.A.B. May 30, 2025).

Previously, on December 23, 2024, Petitioner filed petitions for *inter partes* review of U.S. Patent Nos. 10,159,422, 9,155,484, 8,965,492, and 8,214,007. *iRhythm, Techs. Inc. v. Welch Allyn, Inc.*, Case IPR2025-00363, Paper 2 at 1; Case IPR2025-00376, Paper 2 at 1; Case IPR2025-00374, Paper 2, at 1; Case IPR2025-00378, Paper 2, at 1; Case IPR2025-00377, Paper 2, at 1; (P.T.A.B. Dec. 23, 2024),

respectively (collectively, the "Related iRhythm IPRs").[2]

On June 6, 2025, pursuant to guidance issued by the Interim Director, the Related iRhythm IPRs were discretionarily denied. *Id.*, Paper 10. Shortly thereafter, on June 9, 2025, Patent Owner asked Petitioner whether it intended to pursue this IPR (IPR2025-01081) in view of the Director's decision in the Related iRhythm IPRs. Ex. 1055 (Email from E. Halverson to R. Counihan et al.).

On July 3, 2025, Petitioner timely requested Director Review in each of the Related iRhythm IPRs. *Id.*, Paper 11. On August 5, 2025, Petitioner's Request for Director Review in each of the Related iRhythm IPRs was denied. *Id.*, Paper 13.

Of the above-referenced IPRs, only this IPR (IPR2025-01081) remains pending before the Board. In the interest of minimizing additional expense and burden on the parties and the Board, Petitioner now seeks leave to withdraw this Petition as well.

Petitioner informed Patent Owner of its withdrawal decision on September 3, 2025, and requested Patent Owner's consent. Ex. 1056 at 3. On September 10, 2025, after Patent Owner asked whether iRhythm would agree not to challenge the '699 patent again, Petitioner offered to stipulate that it would not file additional IPR

[2] Petitioner filed two petitions for *inter partes* review of U.S. Patent No. 8,214,007: IPR2025-00378, Paper 2 and IPR2025-00377, Paper 2.

petitions regarding the '699 patent but reserved its rights to challenge the patent's validity through other means. *Id.* at 1-2. Patent Owner then informed Petitioner that it would not oppose leave to file a motion to withdraw the petition but would oppose the motion itself (on the ground that Petitioner could have withdrawn the petition sooner; *infra*). *Id.* at 1. The Parties jointly submitted an email to the Board on September 18, 2025 requesting permission to file this motion, which was granted on October 1, 2025. Ex. 1057.

On August 25, 2025, Patent Owner filed a motion for discretionary denial of this IPR. (Paper 6.) On September 23, 2025, Patent Owner filed its preliminary response (Paper 7). In view of its then-pending request to file this motion to withdraw, on September 24, 2025, Petitioner notified the Board via email that it would not be filing an opposition to Patent Owner's motion for discretionary denial. Exhibit 1057 at 1. Neither the Board nor the Director has reached the merits or issued an institution decision or a decision on Patent Owner's motion for discretionary denial.

III. GOOD CAUSE EXISTS TO WITHDRAW THE PETITION

Under 37 C.F.R. §§ 42.71(a), 42.5(a), and Board precedent allowing petitioners to withdraw petitions prior to institution, good cause exists for Petitioner's request to withdraw IPR2025-01081. *See Samsung Elecs. Co., Ltd. v. NVidia Corp.*, Case IPR2015-01270, Paper 12 at 3 (P.T.A.B. Dec. 9, 2015) (granting

withdrawal of petition before institution); *Gen. Elec. Co. v. Siemens Gamesa Renewable Energy A/S*, Case IPR2021-00722, Paper 11 at 3 (P.T.A.B. Oct. 7 2021) (same); *Materialise N.V. v. Osteoplastics, LLC*, Case IPR2021-00245, Paper 12 at 3 (P.T.A.B. June 2, 2021) (same); *Lenovo (United States) Inc. v. Collision Comms., Inc.*, Case IPR2025-00284, Paper 11 at 1-2 (P.T.A.B. May 20, 2025) (same).

The Board has consistently granted motions to withdraw when the proceedings are "still in the preliminary proceeding stage, and the Board has not yet decided the merits" of the Petition. *Samsung Elecs. Co.,* Case IPR2015-01270, Paper 12 at 3 (P.T.A.B. Dec. 9, 2015); *see also Gen. Elec.*, Case IPR2021-00722, Paper 11 at 2 (granting motion to withdraw because proceedings "in a preliminary stage and the Board has not issued [a] decision[] on institution."). Such factors are present here. This proceeding is at a preliminary stage and the merits have not been decided: Patent Owner has filed a motion for discretionary denial (Paper 6, August 23, 2025)) and a preliminary response (Paper 7, Sept. 25, 2025), but neither the Board nor the Director has reached the merits or issued an institution decision.

Patent Owner has stated that it opposes this motion because Petitioner "ignored" its June 9, 2025 request to withdraw the petition, and because Patent Owner "was forced to spend significant time and resources defending against the Petition and it now seeks a decision reflecting the papers that have been prepared

and filed." Ex. 1067 at 2. Neither argument undermines Petitioner's showing of good cause, and both arguments should be rejected.

First, Patent Owner made its withdrawal inquiry on June 9, 2025, days after the Director's June 6, 2025 discretionary denial of the Related iRhythm IPRs. As Patent Owner knows, Petitioner exercised its right to timely Request Director Review of the discretionary denials on July 3, 2025.

Second, the Director denied Petitioner's Request for Director Review of the discretionary denials of the Related iRhythm IPRs on August 5, 2025. Immediately thereafter, Petitioner exercised its legal right to consider whether to appeal and/or seek mandamus of the Director's discretionary denial decisions, as other entities have now done. Any purported delay in withdrawing the Petition was related to the lawful and appropriate exercise of Petitioner's legal rights.

Third, Patent Owner's expenditure of "significant time and resources" is overstated, and certainly does not necessitate nor justify the expenditure of further resources of the Board and the parties. Patent Owner's Discretionary Denial Brief (Paper 6, August 23, 2025) closely tracks those filed in the Related iRhythm IPRs. And Patent Owner's Preliminary Response (Paper 7, Sept. 25, 2025) was filed three weeks *after* Petitioner first notified Patent Owner of its intent to withdraw the IPR. The need to prepare and file the Preliminary Response was avoidable.

The Board should grant Petitioner's motion to withdraw to promote efficiency and preserve both the Board's and the parties' resources, particularly in view of the early stage of the proceeding. *Samsung Elecs.*, Case IPR2015-01270, Paper 11 at 3; *Gen. Elec.*, Case IPR2021-00722, Paper 11 at 2.

IV. CONCLUSION

For these reasons, Petitioner respectfully requests that the Board grant the motion to withdraw its petition and terminate Case No. IPR2025-01081.

Dated: October 3, 2025

FENWICK & WEST LLP

/Robert E. Counihan/
Robert E. Counihan
Reg. No. 61,381

Attorney for Petitioner
iRhythm Technologies, Inc.

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on October 3, 2025, I caused a true and correct copy of the foregoing MOTION TO WITHDRAW PETITION FOR INTER PARTES REVIEW and related Exhibits 1055 through 1057 to be electronically served on Patent Owner's lead and backup counsel at the following addresses:

Eric J. Halverson
K&L Gates LLP
4 Embarcadero Center, Suite 1200
San Francisco CA 94111
erik.halverson@klgates.com

Anna Rebekah Hill
Jared R. Lund
K&L Gates LLP
70 W. Madison Street, Suite 3100
Chicago, IL 60602
rebehak.hill@klgates.com
jared.lund@klgates.com

Dated: October 3, 2025

FENWICK & WEST LLP

/Robert E. Counihan/
Robert E. Counihan
Reg. No. 61,381

Attorney for Petitioner
iRhythm Technologies, Inc.