2017-1726

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

TINNUS ENTERPRISES, LLC,
*Appellant*

v.

TELEBRANDS CORPORATION,
*Appellee*

ANDREI IANCU, Director of the U.S. Patent and Trademark Office,
*Intervenor*

Appeal from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in PGR2015-00018.

**MOTION OF INTERVENOR TO WITHDRAW FROM APPEAL**

The Director of the U.S. Patent and Trademark Office ("USPTO") respectfully requests to withdraw as an Intervenor in this appeal and further requests that the brief filed by the Director in this appeal be withdrawn. The USPTO stands by the position that the indefiniteness approach advocated in our brief is correct in the context of examination. But because the PTAB's approach to claim construction and indefiniteness during post-issuance proceedings under

Inari Exhibit 1062
Inari v. Pioneer

the America Invents Act is something the agency is actively considering, the Director has decided not to advocate for a particular approach in this appeal.

Appellee Telebrands Corporation had agreed to give the Director three minutes for oral argument. If the motion to withdraw is granted, the Director agrees to cede the three minutes of oral argument time to Telebrands.

Appellant Tinnus Enterprises, LLC does not oppose the Director's motion to withdraw from this appeal. Appellee Telebrands has not yet indicated whether they oppose this motion.

Respectfully submitted,

March 29, 2018

/s/ Nathan K. Kelley
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**RULE 32(g) CERTIFICATE OF COMPLIANCE**

I certify pursuant to Fed. R. App. P. 32(g) that the foregoing MOTION OF INTERVENOR TO WITHDRAW FROM APPEAL complies with the type-volume limitation required by the Court's rule. The total number of words in the foregoing motion is 156 words as calculated using the Word® software program.

/s/ Nathan K. Kelley
Nathan K. Kelley
Solicitor
U.S. Patent and Trademark Office

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2018, the foregoing MOTION OF INTERVENOR TO WITHDRAW FROM APPEAL was electronically filed using the Court's CM/ECF filing system, which constitutes service, pursuant to Fed. Cir. R. 25(e)(1), to all registered CM/ECF users.

/s/ Nathan K. Kelley
Nathan K. Kelley
Solicitor
U.S. Patent and Trademark Office