

Filed on behalf of: BONUTTI SKELETAL INNOVATIONS LLC Paper _____
Date: March 13, 2014

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMITH & NEPHEW, INC.

Petitioner,

v.

BONUTTI SKELETAL INNOVATIONS LLC

Patent Owner

Case: IPR2013-00605

Patent 7,749,229

**NOTICE REGARDING FILING OF DISCLAIMER OF A CLAIM IN A
PATENT UNDER 37 C.F.R § 1.321(a)**

**S&N EXHIBIT 1028
S&N v. BSI
IPR2013-00629**

Patent Owner hereby provides notice to the Patent Trial and Appeal Board that a DISCLAIMER IN PATENT UNDER 37 C.F.R. § 1.321(a) was electronically filed in connection with U.S. Patent No. 7,749,229 ('9229 patent) on March 13, 2014, disclaiming claim 23 of the '9229 patent, which is the only claim challenged in the instant *Inter Partes Review*.

A copy of the filed Disclaimer In Patent Under 37 C.F.R. § 1.321(a) is submitted as Exhibit 2001.

Accordingly, no challenged claim remains in the '9229 patent, and it is respectfully submitted that the *Inter Partes Review* should be terminated pursuant to 37 CFR 42.73(b)(2).

Respectfully submitted,

March 13, 2014

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Case: IPR2013-00605
Patent 7,749,229

**List Of Exhibits For Patent Owner's Notice Regarding
Filing Of Disclaimer Of A Claim In A Patent Under 37 C.F.R. § 1.321(A)**

Exhibit No.	Description
Exhibit 2001	Disclaimer In Patent Under 37 C.F.R. § 1.321(a), filed March 13, 2014

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of March 2014, a true and correct copy of the foregoing **NOTICE REGARDING FILING OF DISCLAIMER OF A CLAIM IN A PATENT UNDER 37 C.F.R § 1.321(a) INCLUDING EXHIBITS** was served by electronic mail and U.S. Postal Service Express Mail, upon the following counsel of record for Petitioner Smith and Nephew, Inc.:

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