

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**FAVORED TECH CORPORATION,**  
Petitioner,

v.

**P2I LTD.,**  
Patent Owner.

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**IPR2020-01198**  
**U.S. Patent 10,421,876**

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**P2I LTD.'S NOTICE REGARDING FILING OF DISCLAIMER OF  
CLAIMS IN A PATENT UNDER 37 C.F.R. §1.321(a)**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Patent Owner P2i Ltd. (“P2i”), hereby provides notice to the Board that a Disclaimer In Patent Under 37 C.F.R. §1.321(a) was electronically filed with the USPTO in connection with U.S. Patent No. 10,421,876 (“the ‘876 patent”) on April 14, 2021, disclaiming claims 1-15 of the ‘876 patent, which include all of the claims challenged in the Petition. A copy of the filed Disclaimer In Patent Under 37 C.F.R. § 1.321(a), along with the fee transmittal and the acknowledgement receipts thereof, are submitted as Exhibit 2004.

Accordingly, in view of the Disclaimer, P2i respectfully requests that this proceeding be terminated under 37 CFR § 42.72. Because disclaimed claims are treated as though they never existed, P2i does not request entry of adverse judgment, and submits that entry of adverse judgment under 37 CFR § 42.73(b) would be inconsistent with 35 USC § 253(a). See *Vectra Fitness, Inc. v. TWNK Corp.*, 162 F.3d 1379, 1383 (Fed. Cir. 1998) (“This court has interpreted the term ‘considered as part of the original patent’ in section 253 to mean that the patent is treated as though the disclaimed claims never existed.”); *Guinn v. Kopf*, 96 F.3d 1419, 1422 (Fed. Cir. 1996) (“A statutory disclaimer under 35 U.S.C. § 253 has the effect of canceling the claims from the patent and the patent is viewed as though the disclaimed claims had never existed in the patent.”); see also *Genetics Inst., LLC v. Novartis Vaccines & Diagnostics, Inc.*, 655 F.3d 1291, 1299 (Fed. Cir. 2011).

Respectfully submitted,

FITCH EVEN TABIN & FLANNERY LLP

Dated: April 20, 2021

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true copy of the foregoing was served electronically via email on the following counsel of record for Petitioner:

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