

From: [Michael Shanahan](#)
To: [Trials](#)
Cc: "csmith@brookskushman.com"; [Kyle G. Konz](#); [John C. Stellabotte](#); [Scott H. Kaliko](#); [Barbara Westphal](#)
Subject: Re: IPR 2021-01353 (US Patent 10,532,709)
Date: Tuesday, October 25, 2022 7:52:26 PM
Attachments: [image001.png](#)
[image016250.png](#)

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Dear Board:

Patent Owner intends to file a disclaimer for claims 1-7 and 14-16.

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Michael Shanahan

Partner

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From: Trials <Trials@USPTO.GOV>

Sent: Tuesday, October 25, 2022 4:43:46 PM

To: Michael Shanahan <mshanahan@egsllp.com>; Trials <Trials@USPTO.GOV>

Cc: 'csmith@brookskushman.com' <csmith@brookskushman.com>; Kyle G. Konz <kkonz@brookskushman.com>; John C. Stellabotte <jstellabotte@egsllp.com>; Scott H. Kaliko <SKaliko@egsllp.com>; Barbara Westphal <BWestphal@egsllp.com>

Subject: RE: IPR 2021-01353 (US Patent 10,532,709)

Caution: External Sender

Counsel,

Regarding Patent Owner's email of October 25, 2022, indicating that it desires to dedicate the

subject matter of the challenged claims 1-7 and 14-16 to the public, if Patent Owner intends to file a statutory disclaimer directed to these claims, which we will treat as a request for adverse judgement and terminate the proceeding, it should immediately inform the Board. If Patent Owner elects not to file a statutory disclaimer, this email request shall be treated as a request for adverse judgement under 37 C.F.R. § 42.73(b)(2) and the Board will issue an order in due course terminating the proceeding in IPR2021-01353 and determining that claims 1-7 and 14-16 have been shown to be unpatentable on all asserted grounds.

Thank you,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Michael Shanahan <mshanahan@egsllp.com>
Sent: Tuesday, October 25, 2022 1:20 PM
To: Trials <Trials@USPTO.GOV>
Cc: 'csmith@brookskushman.com' <csmith@brookskushman.com>; Kyle G. Konz <kkonz@brookskushman.com>; John C. Stellabotte <jstellabotte@egsllp.com>; Scott H. Kaliko <SKaliko@egsllp.com>; Barbara Westphal <BWestphal@egsllp.com>
Subject: IPR 2021-01353 (US Patent 10,532,709)

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Dear Board:

In accordance with instructions from Maria King, Patent Owner writes regarding IPR 2021-01353 for US Patent 10,532,709.

Patent Owner has not filed a Patent Owner Response ("POR") in this matter (or other papers beyond a Preliminary Patent Owner response ("PPOR")) and desires to dedicate the subject matter of the challenged claims (claims 1-7 and 14-16) to the public.

Please advise preferred procedure to achieve this outcome.

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