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Cc: [Goldberg, Joshua](#); [Arner, Erika](#)
Subject: Subject: NetApp v. Proven Networks | IPR2022-00644 | Withdrawal of Stipulation
Date: Tuesday, July 5, 2022 1:18:00 PM

Counsel,

As you'll recall, NetApp stipulated in its petition that, "if review is instituted, Petitioner will not pursue in the ITC Litigation the grounds in this petition." Petition at 66 (citing *Sand Rev'n II, LLC v. Continental Intermodal Grp.-Trucking LLC*, IPR2019-01393, Paper 24, at 16 (PTAB June 16, 2020) (informative)).

In light of the USPTO's [Interim Procedure for Discretionary Denials](#) that issued last week, under which the "PTAB will not deny institution of an IPR ... under *Fintiv*" where "a request for denial under *Fintiv* is based on a parallel ITC proceeding," NetApp withdraws this stipulation.

NetApp will notify the Board of this withdrawal as well and request the Board's authorization to document the withdrawal with the Board. May we mark you as unopposed to NetApp's request?

Thank you,
Gracie

Gracie Mills

Associate

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