

From: [Daniel L. Shores](#)
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Cc: hongene@procopio.com; [Joseph A. Hynds](#); [Aydin Harston](#); [Adam M. Nicolais](#); [Nasri Hage](#); [Erik van Leeuwen](#)
Subject: IPR2023-00862 and IPR2023-00875
Date: Wednesday, May 22, 2024 10:27:28 AM

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Dear Panel,

Patent Owner requests authorization to withdraw its February 5, 2024 Motions to Amend Claims in IPR2023-00862 (Paper 11) and IPR2023-00875 (Paper 11), including Substitute Claims 33-34 in IPR2023-00862 and Substitute Claims 4-5 in IPR2023-00875, from consideration in these IPRs. See 84 Fed. Reg. 9497, 9502 (Mar. 15, 2019). See *also* IPR2023-00490, Paper 28 at 3-4 (P.T.A.B. Feb. 28, 2024). Patent Owner notes that withdrawing these MTAs will simplify the issues for the Board. This request is being submitted without prejudice, disclaimer, or admission.

As the Board advised in its Preliminary Guidance issued in these IPRs (Paper 15 at 22 in IPR2023-00862; Paper 15 at 23-24 in IPR2023-00875), Patent Owner reserves all rights to timely file separate reissue applications for these patents. Should Patent Owner do this, Patent Owner will notify the Board of any such related matters in updated mandatory notices. Patent Owner will also disclose in connection with any such reissue applications the Board's Preliminary Guidance and Petitioner's Petition and Opposition to Patent Owner's Motion to Amend and references cited therein, submitted in each respective IPR.

The parties communicated over email and Petitioner **does not** oppose these requests to withdraw.

If the Board wishes to discuss, Patent Owner (and we believe Petitioner) are available on:
Thursday, May 23 (9a-12p and 1p-5p)
Friday, May 24 (9a-12p)

Best regards,

Dan Shores



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