

**From:** [Trials](#)  
**To:** [Gary J. Gershik](#)  
**Cc:** [spatel@marshallip.com](#); [Mark Izraelewicz](#); [jelliott@marshallip.com](#); [MGBlitdocket@marshallip.com](#); [Darren Haber](#); [Brian Comack](#); [Trials](#)  
**Subject:** RE: Request to file Joint Motion to Withdrawal Petition for Post-Grant Review – Trial No. PGR2023-00007 (Amster Docket 91826)  
**Date:** Tuesday, January 24, 2023 8:13:01 AM

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Counsel,

From the Board –

The parties are authorized to file a joint motion to terminate the proceeding. Any agreement between the parties made in connection with the termination of the proceeding must be in writing and a true copy must be filed with the Board. 35 U.S.C. § 327(b); 37 C.F.R. § 42.74(b). The parties are also authorized to file a joint request to treat the settlement agreement as business confidential if applicable. 37 C.F.R. § 42.74(c). The authorization for these filings extends through February 6, 2023.

Regards,

Esther Goldschlager  
Supervisory Paralegal Specialist  
Patent Trial & Appeal Board  
U.S. Patent & Trademark Office  
(571) 272-7822

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**From:** Gary J. Gershik <ggershik@ARELAW.com>  
**Sent:** Thursday, December 15, 2022 9:19 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** [spatel@marshallip.com](#); [Mark Izraelewicz](#) <[mizraelewicz@marshallip.com](#)>; [jelliott@marshallip.com](#); [MGBlitdocket@marshallip.com](#); [Darren Haber](#) <[dhaber@ARELAW.com](#)>; [Brian Comack](#) <[bcomack@ARELAW.com](#)>  
**Subject:** Request to file Joint Motion to Withdrawal Petition for Post-Grant Review – Trial No. PGR2023-00007 (Amster Docket 91826)

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Esther,  
Dear Trial Division,

Petitioner Commonwealth Scientific and Industrial Research Organisation and Patent Owner BASF Plant Science Company GmbH request the Board's authorization to file a Joint Motion to Terminate the Post-Grant Review proceeding against U.S. Patent No. 11,260,095, which was assigned Trial No. PGR2023-00007. The parties have settled their dispute in a written settlement agreement.

No notice of filing date has been issued in this case. Counsel for the Patent Owner, copied on this message, has indicated that Patent Owner expects to file its Mandatory Notices on December 16, 2022.

Thank you,

Gary J. Gershik

AMSTER ROTHSTEIN & EBENSTEIN LLP

90 Park Avenue

New York, NY 10016

Direct: 212-336-8063

Mobile: 917-841-2002

[www.arelaw.com](http://www.arelaw.com)

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**From:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Sent:** Wednesday, December 14, 2022 3:51 PM

**To:** Darren Haber <[dhaber@ARELAW.com](mailto:dhaber@ARELAW.com)>

**Cc:** [jelliott@marshallip.com](mailto:jelliott@marshallip.com); [spatel@marshallip.com](mailto:spatel@marshallip.com); Mark Izraelewicz

<[mizraelewicz@marshallip.com](mailto:mizraelewicz@marshallip.com)>; [MGBlitdocket@marshallip.com](mailto:MGBlitdocket@marshallip.com); Gary J. Gershik

<[ggershik@ARELAW.com](mailto:ggershik@ARELAW.com)>; Brian Comack <[bcomack@ARELAW.com](mailto:bcomack@ARELAW.com)>; Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Subject:** RE: Withdrawal of Petition for Post-Grant Review – Trial No. PGR2023-00007 (ARE Docket 91826)

**External E-Mail**

Counsel:

This case is not yet paneled. Please check back in two weeks or so.

Regards,

Esther Goldschlager

Supervisory Paralegal Specialist

Patent Trial and Appeal Board

(571) 272-7822

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**From:** Darren Haber <[dhaber@ARELAW.com](mailto:dhaber@ARELAW.com)>

**Sent:** Wednesday, December 14, 2022 3:46 PM

**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** [jelliott@marshallip.com](mailto:jelliott@marshallip.com); [spatel@marshallip.com](mailto:spatel@marshallip.com); Mark Izraelewicz

<[mizraelewicz@marshallip.com](mailto:mizraelewicz@marshallip.com)>; [MGBlitdocket@marshallip.com](mailto:MGBlitdocket@marshallip.com); Gary J. Gershik

<[ggershik@ARELAW.com](mailto:ggershik@ARELAW.com)>; Brian Comack <[bcomack@ARELAW.com](mailto:bcomack@ARELAW.com)>

**Subject:** Withdrawal of Petition for Post-Grant Review – Trial No. PGR2023-00007 (ARE Docket 91826)

**CAUTION:** This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Trial Division,

Petitioner Commonwealth Scientific and Industrial Research Organisation would like to unilaterally withdraw its Petition for Post-Grant Review filed November 30, 2022 against U.S. Patent No. 11,260,095, which was assigned Trial No. PGR2023-00007.

Patent Owner has not yet made an appearance in this proceeding.

Best regards,

Darren Haber

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