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Reg. No. 42,557

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS COMPANY, LTD.,

Petitioner

v.

DANIEL L. FLAMM,

Patent Owner

CASE IPR2017-01750  
U.S. Patent No. RE40,264E

**PATENT OWNER'S WAIVER OF PRELIMINARY RESPONSE**

Mail Stop: PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. If the Board grants Samsung's joinder motion, Patent Owner waives its right to a Preliminary Response (37 C.F.R. § 42.107(b)).
2. As indicated in the Trial Practice Guide, no adverse inference should be taken by this election (Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48764 (August 14, 2012)).
3. This election should not be deemed to be a waiver of any argument, or a waiver or admission on the part of Patent Owner of any material presented in the Petition.

Date: September 12, 2017

Respectfully submitted,

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S WAIVER OF PRELIMINARY RESPONSE** in IPR2017-01750 was served by electronic mail on this day, September 12, 2017, on the following individuals:

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