UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

## MERRILL COMMUNICATIONS LLC d/b/a MERRILL CORPORATION, Petitioner

v.

E-NUMERATE SOLUTIONS, INC., Patent Owner

> Case IPR2018-01389 U.S. Patent 9,268,748

## WAIVER OF PATENT OWNER'S PRELIMINARY RESPONSE

Pursuant to 37 C.F.R. §42.107(b), Patent Owner, E-NUMERATE SOLUTIONS, INC. hereby elects to waive its preliminary response in this Inter Partes Review No. 2018-01389. As indicated in the Trial Practice Guide, no adverse inference should be taken by this election. *See* Office Patent Trial Practice Guide, Fed. Reg. Vol. 77, No. 157 (2012) at Section II.C. This

**DOCKET A L A R M** Find authenticated court documents without watermarks at <u>docketalarm.com</u>. election shall not constitute a waiver or admission by Patent Owner with respect to any material set forth in the Petition.

Date: November 26, 2018

By: / Gregory Gonsalves/

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## **CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. §§ 42.6(e), this is to certify that I caused an

electronic copy of the foregoing PATENT OWNER'S WAIVER OF PRELIMINARY

RESPONSE to be served on the Petitioner's lead counsel listed below by filing in

the Patent Review Processing System and by email to the following email address:

Lead Counsel Katherine J. Rahlin Fredrikson & Byron, P.A. 200 South Sixth Street, Suite 4000 Minneapolis, MN 55402 Phone: (612) 492-7370 Fax: (612) 492-7077 krahlin@fredlaw.com

Date: November 26, 2018

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