

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.

Patent No. 8,185,816

Issue Date: May 22, 2012

Case: IPR2018-01392

Title:

COMBINING REUSABLE DATA MARKUP LANGUAGE DOCUMENTS

UNOPPOSED MOTION TO WITHDRAW

The Board authorized Petitioner Merrill Communications LLC (“Merrill”) to file the instant motion on July 24, 2019, via email to all counsel. Petitioner requests that the Board withdraw the appearances of Katherine J. Rahlin and Adam R. Steinert as counsel for Merrill. Petitioner also wishes to withdraw its participation in the IPR proceedings. The related civil action in the U.S. District Court for the District of Delaware, captioned *e-Numerate Solutions, Inc., and e-Numerate, LLC, v. Mattress Firm Holding Corp., Merrill Communications LLC, and Merrill Corp.*, No. 1:17-cv-00933, has been dismissed, as Patent Owner’s infringement allegations are no more extensive than what is covered by the United States of America’s (“Government”) authorization and consent.

Since dismissal of its lawsuit against Petitioner, Patent Owner filed a lawsuit against the United States of America in the Court of Federal Claims, captioned *e-Numerate Solutions, Inc. et al v. The United States of America*, No. COFC-1-19-cv-00859, alleging infringement of the ’816 patent. The Government has indicated that it will indemnify Merrill for any claim of infringement of the ’816 patent. Therefore, Petitioner Merrill wishes to withdraw its counsel from IPR2018-01394, as well as withdraw its participation in the IPR proceedings. Patent Owner does not oppose this motion.

Respectfully submitted,

Dated: July 25, 2019

/s/ Katherine J. Rahlin

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion was filed via PTAB E2E and served pursuant to 37 C.F.R. § 42.6(e) via electronic mail on July 25, 2019 on the following:

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Dated: July 25, 2019

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