

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

FIRSTFACE CO., LTD.,

Patent Owner.

Case IPR2019-01011

U.S. Patent No. 9,633,373

PATENT OWNER'S WAIVER OF PRELIMINARY RESPONSE

PURSUANT TO 37 C.F.R. § 42.107(b)

Patent Owner hereby waives filing of a preliminary response in IPR2019-01011. As set forth in the Trial Practice Guide, no adverse inference should be taken from this election. *See* Office Trial Practice Guide, 77 Fed. Reg. 48756, 48764 (Aug. 14, 2012). This election shall not constitute a waiver or admission by Patent Owner with respect to any material set forth in the Petition, as the Petition must still “demonstrate that there is a reasonable likelihood that at least one of the claims challenged in the petition is unpatentable” before the Board can exercise its discretion to institute trial. 37 C.F.R. § 42.108(c). If the Board decides to institute trial based upon the grounds raised in the Petition, Patent Owner reserves the right to raise any and all arguments against those grounds and in favor of patentability of the challenged claims of U.S. Patent 9,633,373 during trial.

Respectfully submitted,

Dated: August 9, 2019

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CERTIFICATE OF SERVICE

I certify that the foregoing Patent Owner's Waiver of Preliminary Response was served on Petitioner's counsel by electronic mail.

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