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Subject: Request to Dismiss IPR2020-00765
Date: Monday, March 30, 2020 5:40:31 PM

Good afternoon,

Counsel for Petitioner Google LLC writes to request the Board dismiss IPR2020-00765 as unnecessary in view of IPR2020-00755 and refund the filing fees. Petitioner filed the petition on Saturday, March 28, 2020, as a duplicate of IPR2020-00755, out of an abundance of caution to ensure the service requirements of 37 C.F.R. § 42.6(e)(1) were met. Petitioner had previously filed the petition as IPR2020-00755 on Friday, March 27, 2020, including with the petition a Motion to Waive 37 C.F.R. §§ 42.6(e)(1), 42.105(b) and Accept as Sufficient Electronic Service on Patent Owner. Counsel for the Petitioner, Joshua Goldberg, sent a follow up email the same day (Friday, March 27, 2020) per the Board's request, to trials@uspto.gov informing the Board that the motion was pending. The petition was served via email on counsel of record for the patent owner on Friday, March 27, 2020. When Petitioner did not receive a response from the Board on Friday regarding the Motion to Waive, they filed IPR2020-00765 and served the petition via FedEx on counsel of record for the patent on Saturday, March 28, 2020, to meet the physical service requirements of 37 C.F.R. §§ 42.6(e)(1). On Monday, March 30, 2020, the Board filed an Order Granting Petitioner's Motion to Waive 37 C.F.R. §§ 42.6(e)(1), 42.105(b) and Accept as Sufficient Electronic Service on Patent Owner. In light of this order, Petitioner requests that IPR2020-00765 be dismissed as unnecessary and the filing fees be refunded.

Regards,

Lisa Hines on behalf of Joshua Goldberg, Back-up Counsel for Petitioner

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