

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, LLC,
Petitioner,

v.

FG SRC LLC,
Patent Owner

Case IPR2021-00633
Patent No. 7,149,867

**JOINT MOTION TO STRIKE SECTION IV OF
PATENT OWNER'S PRELIMINARY RESPONSE**

I. INTRODUCTION

On July 1, 2021, counsel for Petitioner requested authorization to file this unopposed Joint Motion to Strike Section IV of Patent Owner's Preliminary Response (Paper 12). The Board granted the request on July 7, 2021.

II. ARGUMENT AND RELIEF REQUESTED

The parties have stipulated to jointly request striking Section IV on pages 2-7 of Patent Owner's Preliminary Response. The arguments for discretionary denial under *Fintiv* were mistakenly included due to a misunderstanding of current facts. The parties agree that there is no basis for a *Fintiv* denial because no district court is progressing towards adjudication of the '867 patent's validity. The Board should therefore disregard Section IV in its entirety.

There is good cause to grant this relief for at least the following reasons: **(1)** striking Section IV will clarify the record by eliminating erroneous facts; **(2)** striking Section IV will conserve the parties' resources by negating the need for additional briefing; and **(3)** striking Section IV will conserve the Board's resources by narrowing the issues for adjudication.

III. ADDITIONAL INFORMATION

The parties have also stipulated to inform the Board that, beyond Section IV, the arguments in Patent Owner's Preliminary Response in this proceeding mirror those from the corresponding brief in the instituted Intel IPR (Case IPR2020-01449).

Respectfully submitted,

Date: July 9, 2021

/Kenneth Wayne Darby Jr./

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