

Filed on behalf of: Music Choice

Paper _____

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STINGRAY DIGITAL GROUP INC.,
Petitioner,

v.

MUSIC CHOICE,
Patent Owner.

Case IPR2017-01193
Patent 9,357,245 B1

**NOTICE REGARDING FILING OF DISCLAIMER OF CLAIMS IN A
PATENT UNDER 37 C.F.R. § 1.321(a)**

TABLE OF EXHIBITS

Exhibit	Description
2001	Claim Construction Memorandum Opinion and Order, <i>Music Choice v. Stingray Digital Group Inc. et al.</i> , No. 16-cv-00586-JRG-RSP (E.D. Tex., Jul. 6, 2017).
2002	Disclaimer in Patent Under 37 C.F.R. § 1.321(a), as filed in U.S. Patent 9,357,245, on Oct. 24, 2017.

Patent Owner Music Choice provides notice to the Patent Trial and Appeal Board (PTAB) that a DISCLAIMER IN PATENT UNDER 37 C.F.R. § 1.321(a) was filed in connection with U.S. Patent 9,357,245 ('245 patent). The filed Disclaimer disclaims claims 1-9, 12-14, 16 and 17 of the '245 patent. A copy of the filed Disclaimer is submitted as Exhibit 2002.

Under 37 C.F.R. § 42.73(b), a party may request adverse judgment against itself at any time during a proceeding. Actions construed to be a request for adverse judgment include disclaimer of claims such that the party has no remaining claims in the trial. The attached disclaimer of claims 1-9, 12-14, 16 and 17 of the '245 patent leaves no remaining claim in the pending trial.

Accordingly, Patent Owner requests adverse judgment against itself with respect to claims 1-9, 12-14, 16 and 17 of the '245 patent

Respectfully submitted,

Date: October 24 , 2017

By: / Brian S. Rosenbloom /

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2017, a true and correct copy of the foregoing **NOTICE REGARDING FILING OF DISCLAIMER OF CLAIMS IN A PATENT UNDER 37 C.F.R. § 1.321(a) and EXHIBIT 2002** were served, via electronic mail, upon the following counsel of record for Petitioner Stingray Digital Group Inc.:

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