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Commissioner for Patents  
**MAIL STOP PETITIONS**  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CONTINGENT TERMINAL DISCLAIMER OF GRANTED PATENT**  
**UNDER 35 U.S.C. § 253 AND 37 C.F.R. § 1.321**

(“Assignee”) represents that it is the owner of the entire right, title, and interest in and to **U.S. Patent No.** which issued on , from U.S.

Application No. as inventors, and owner of the entire right, title, and interest in and to which issued on as inventors, as indicated by the assignments duly recorded in the U.S. Patent and Trademark Office at Reel/Frame

CONTINGENT TERMINAL DISCLAIMER

Effective as of the filing date of this Contingent Terminal Disclaimer, Assignee disclaims, except as provided below, the terminal part of the statutory term as defined in 35 U.S.C. § 154 of **U.S. Patent No.** (“instant patent”), such that the terminal part of the instant patent does not run beyond the expiration date of the full statutory term of **U.S. Patent No.** (“reference patent”) as the term of the reference patent is defined in 35 U.S.C. § 154, and as the term of the reference patent is presently shortened by any terminal disclaimer, in the event that one or more claims of the instant patent are held invalid for obviousness-type double patenting over the reference patent in (1) (*LAWSUIT*) in a final decision from which no appeal has been taken or (2) in a final decision in any subsequent appeal of (*LAWSUIT*) from which no appeal has been or can be taken. For the avoidance of doubt, in the event that no claim of the instant patent is held unpatentable or invalid for obviousness-type double patenting over the reference patent by a court of competent jurisdiction in a final decision from which no appeal has been or can be taken, then the contingency has not been met and Assignee does not disclaim any portion of the statutory term as defined in 35 U.S.C. § 154 of the instant patent.

If (A) this Contingent Terminal Disclaimer is declared impermissible and thus void by a final decision of a court of competent jurisdiction from which no appeal has been or can be taken **and** (B) one or more claims of the instant patent are held unpatentable or invalid for obviousness-type double patenting over the reference patent in (1) (*LAWSUIT*) in a final decision from which no appeal has been or can be taken or (2) in a final decision in any subsequent appeal of (*LAWSUIT*) from which no appeal has been or can be taken, or (3) in any other litigation before a court of competent jurisdiction in a final decision from which no appeal has been or can be taken or (4) in a final decision in any subsequent appeal of a litigation specified in (3) from which no appeal has been or can be taken, then this Contingent Terminal Disclaimer is automatically converted *nunc pro tunc* into an effective non-contingent terminal disclaimer, and in that effective non-

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contingent terminal disclaimer Assignee disclaims, except as provided below, the terminal part of the statutory term as defined in 35 U.S.C. § 154 of the instant patent, such that the terminal part of the instant patent does not run beyond the expiration date of the full statutory term of the reference patent as the term of the reference patent is defined in 35 U.S.C. § 154, and as the term of the reference patent is presently shortened by any terminal disclaimer.

In making the above contingent disclaimer, Assignee does not admit, acquiesce, or concede that any claim of the instant patent is invalid or unpatentable for obviousness-type double patenting based on any claim of the reference patent, or that an allegation of obviousness-type double patenting is legally or factually supportable with respect to the instant patent. The above contingent disclaimer does not raise a presumption or estoppel on the merits with respect to any obviousness-type double patenting allegation based on the reference patent.

Assignee hereby agrees that the instant patent shall be enforceable only for and during such period that the instant patent and the reference patent are commonly owned. This agreement is binding upon the patent owner, its successors, or assigns.

In making the above contingent disclaimer, Assignee does not disclaim the terminal part of the term of the instant patent that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. § 154, of the reference patent in the event that said reference patent is statutorily disclaimed or terminally disclaimed under 37 C.F.R. § 1.321, or the term of the reference patent is in any manner otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

**In making the above contingent disclaimer, Assignee DOES NOT DISCLAIM any part of the patent term extension of the instant patent granted pursuant to 35 U.S.C. § 156.**

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The terminal disclaimer fee under 37 C.F.R. §1.20(d), is included with this submission. No other fees are believed due. However, if a fee is due, please charge our Deposit Account No. \_\_\_\_\_ from which the undersigned is authorized to draw.

Dated: 2023