

1	UNITED STATES PATENT AND TRADEMARK OFFICE
2	BEFORE THE PATENT TRIAL AND APPEAL BOARD
3	PALO ALTO NETWORKS,) CASE IPR2021-01520
4	INC.,) U.S. Patent No. 9,686,193
5	PETITIONER,) CASE IPR2021-01521
6	VS.) U.S. Patent No. 9,560,176
7	CENTRIPETAL NETWORKS,) CASE IPR2022-00182
8	INC.,) U.S. Patent No. 9,917,856
9	PATENT OWNER.)
10	- - - - -
11	TELEPHONIC HEARING HAD BEFORE
12	ADMINISTRATIVE PATENT JUDGES STEVEN M. AMUNDSON,
13	BRIAN J. MCNAMARA, BRYAN F. MOORE, AND AARON W.
14	MOORE, taken before Brianne L. Starkey, RPR,
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A P P E A R A N C E S

(Appearing Telephonically)
FOR THE PETITIONER:
MR. SCOTT A. McKEOWN
ROPES & GRAY LLP
2099 Pennsylvania Avenue, Northwest
Washington, DC 20006-6807
(202)508-4600 FAX (202)508-4650

Scott.McKeown@ropesgray.com

(Appearing Telephonically)
FOR THE PATENT OWNER:
MR. JAMES HANNAH
KRAMER LEVIN NAFTALIS & FRANKEL LLP
990 Marsh Road
Menlo Park, California 94025
(650)752-1700 FAX (650)752-1800

jhannah@kramerlevin.com

- and -

(Appearing Telephonically)
MR. JEFFREY H. PRICE
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, New York 10036
(212)715-9100 FAX (212)715-8000

jprice@kramerlevin.com

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Page 4 1 (Whereupon, the following proceedings 2 were had, to-wit:) 3 P R O C E E D I N G S 4 JUDGE AMUNDSON: Good afternoon. 5 This is Administrative Patent Judge Amundson, 6 and with me on the line this afternoon are 7 Administrative Patent Judges Brian McNamara, 8 Bryan Moore, and Aaron Moore. 9 This is a telephone conference for 10 IPR2021-1520, IPR2021-1521, and IPR2022-182. 11 Let's get appearances for the parties. 12 Who do we have on the line for petitioner? 13 MR. McKEOWN: You have Scott 14 McKeown of Ropes & Gray for petitioner, 15 Your Honor. 16 JUDGE AMUNDSON: All right. Very 17 well. 18 Did anyone on petition's side arrange 19 for a court reporter? 20 MR. McKEOWN: No, but I believe 21 the patent owner has a court reporter on the 22 line. 23 JUDGE AMUNDSON: All right. 24 Thank you. 25 And who do we have on the line for	Page 6 1 motion for sanctions, it's a pretty simple 2 issue. 3 Based on the petitioner's reply, it 4 appears -- and this is with regard to the 5 '193 patent specifically. 6 Based on their reply, it appears that 7 they had knowledge of a re-examination for that 8 patent, and they chose not to cite that in their 9 petition. They didn't address it at all in 10 their petition. 11 And because they have knowledge of it 12 and it's relevant, it concerns the exact same 13 issues that are at issue in their petition 14 that's already been addressed by the office, at 15 the very least they should've mentioned it and 16 put it set forth for the board. And so we 17 believe that's a sanctionable conduct. 18 And because it results in the petition 19 being faulty on its face, we would request our 20 attorneys' fees for having to respond to the 21 petition and to go through this sur-reply and 22 all these other procedures that we've had to do. 23 JUDGE AMUNDSON: All right. This 24 is Judge Amundson. I just wanted to follow up 25 on that.
Page 5 1 patent owner? 2 MR. HANNAH: Good afternoon, 3 Your Honor. This is James Hannah on behalf of 4 Centripetal. 5 JUDGE AMUNDSON: All right. 6 MR. HANNAH: I'm sorry. And with 7 me on the line is the court reporter. 8 JUDGE AMUNDSON: All right. 9 Thank you. 10 And when that transcript is finalized, 11 could you please submit that as an exhibit? 12 MR. HANNAH: Yes, of course, 13 Your Honor. 14 JUDGE AMUNDSON: All right. 15 Thank you. 16 Now, the Board received an email from 17 patent owner's counsel about a request to file a 18 motion for sanctions and a request to file a 19 motion for additional discovery. 20 Mr. Hannah, can you briefly explain to 21 the panel members the bases for the requested 22 motions? 23 MR. HANNAH: Yes, Your Honor. 24 I'll take them in turn. 25 So with regard to the request for the	Page 7 1 MR. HANNAH: Sure. 2 JUDGE AMUNDSON: So the request 3 to file a sanction motion only relates to the 4 1520 IPR for the '193 patent? 5 MR. HANNAH: That's right, 6 Your Honor, based on what we received in terms 7 of a sur-reply, the reply and the sur-reply, 8 that's what we're moving on right now. And 9 then -- 10 JUDGE AMUNDSON: Well, as I 11 understand where we are procedurally on the 12 1521 IPR, patent owner is in the next week or so 13 going to be filing a preliminary sur-reply, and 14 I would expect since the petitioner addressed 15 the harassment allegations in its preliminary 16 reply that the patent owner's preliminary 17 sur-reply is also going to address those 18 harassment allegations. 19 Am I missing something here? 20 MR. HANNAH: That's correct, 21 Your Honor. 22 JUDGE AMUNDSON: So what I don't 23 quite understand here is isn't a motion for 24 sanctions a little premature before the board 25 has analyzed the 325(d) issues related to the

Page 8 1 re-exam for the '193 patent? 2 MR. HANNAH: I mean -- and, 3 Your Honor, I guess it's up to the panel in how 4 they want to handle it. 5 Based on -- and the orders and our 6 previous conferences and whatnot, we thought 7 that the board wanted us to renew our motion for 8 sanctions after we received their reply to see 9 what the facts were. 10 But if the board would prefer a later 11 time as to request the motion for sanctions, of 12 course then we'll oblige by that. 13 JUDGE AMUNDSON: All right. And 14 just another follow-up question on the motion 15 for sanctions. 16 What authority or what precedent do 17 you have for the proposition that -- well, the 18 proposition that they knew about the re-exam, 19 allegedly knew about the re-exam and said 20 nothing about it is sanctionable conduct? 21 MR. HANNAH: Your Honor, I looked 22 for cases that had facts that are analogous to 23 this, and, frankly, I haven't seen and found a 24 case in which there was such a blatant 25 disregard, especially when they had knowledge of	Page 10 1 what's controlling. 2 An ex parte examiner's decision, 3 especially where he was not given all of the 4 information, as pointed out in the supplemental 5 briefing, certainly does not control the federal 6 circuit. 7 So there's absolutely no sanctionable 8 conduct here. This is just, you know, one of 9 the many attempts to clutter this record as the 10 board is aware with the recent motion for 11 disqualification that was denied, and today 12 we're going to talk a little bit further about 13 discovery that they're asking for. 14 So, you know, if they want to pursue 15 the sanctions argument, they've got pages that 16 are due next week that they can ask for 17 sanctions should the board agree with them. 18 There doesn't need to be any additional 19 briefing. 20 JUDGE AMUNDSON: All right. I 21 think we understand. 22 MR. HANNAH: Your Honor, may I -- 23 JUDGE AMUNDSON: Yes, Mr. Hannah. 24 I just want to say, I think the panel 25 understands the petition's position, but go
Page 9 1 something that was right on point and in the 2 file history and they acknowledged it in their 3 papers. I haven't seen anything. 4 And so this is a case of first 5 impression for me based on our research. 6 JUDGE AMUNDSON: All right. I 7 think we understand. 8 Now, so let's turn to Mr. McKeown with 9 regard to the requested motion for sanctions. 10 MR. McKEOWN: Sure. Thank you, 11 Your Honor. 12 And I think you're absolutely right. 13 This entire debate is currently being hashed out 14 in the supplemental briefing. 15 To the extent I understand the 16 argument here, Mr. Hannah is saying it's a case 17 of first impression that you can request 18 sanctions because you didn't like the way that 19 the other side argued something. 20 You know, it's not surprising he can't 21 find any case law on that because every case 22 would be sanctionable. 23 As we pointed out to Mr. Hannah before 24 he requested this motion, we emphasized the 25 federal circuit decision here because that's	Page 11 1 ahead. If you want to briefly respond, go 2 ahead. 3 MR. HANNAH: Thanks, Your Honor. 4 JUDGE AMUNDSON: We don't need 5 the parties to really get into the merits, but 6 if you want to briefly respond, fine. 7 MR. HANNAH: Yeah. And I just 8 wanted to make it clear that it's not the fact 9 that -- what their argument was regarding the 10 re-examination. 11 The sanctionable conduct, and this is 12 set forth in the rules, there's a duty of 13 candor. And if you're aware of information that 14 is relevant, you need to be citing it, 15 particularly if it's going to be inconsistent 16 with the positions you're taking. 17 So it's not the arguments they're 18 making; it's the fact that they completely 19 omitted it, even though they knew about it. 20 So I just wanted to make that clear 21 for the record, Your Honor. 22 JUDGE AMUNDSON: All right. I 23 think -- I think we've got it. 24 Now, let's turn to the request for the 25 motion for additional discovery.

Page 12 1 Can you briefly explain the basis for 2 that, Mr. Hannah? 3 MR. HANNAH: Sure, Your Honor. 4 So during the meet-and-confer process, 5 we had requested some information from counsel 6 regarding their relationship with Cisco because 7 they filed these IPRs that have no relation -- 8 that have not been asserted against PAN. And so 9 it appeared that there had been some type of 10 communications with them and some strategy 11 between the parties. 12 So we asked for some -- we asked for 13 some documents or some confirmation regarding, 14 you know, whether there was a joint defense 15 agreement, a common interest agreement, 16 et cetera. So what they did is they served on 17 us some voluntary discovery. 18 Well, that voluntary discovery 19 completely -- it omitted any communications with 20 counsel. And so what it did is it had -- it 21 was, like, an interrogatory that said, you know, 22 there's no -- I'm paraphrasing. There's no 23 communications between Cisco and PAN related to 24 Centripetal, but we're excluding communications 25 with between counsel.	Page 14 1 didn't have any knowledge of any existence of a 2 community interest or a JDA between the parties. 3 And if that is the case, then there is 4 no privilege that's attached to any 5 communications. And so, therefore, they should 6 at least identify those and produce those 7 communications so we can evaluate the real party 8 of interest issues here. 9 And so that's the basis for our 10 request. We sent it to them already. It's one 11 interrogatory, two document requests, and one 12 request for admission. So it's tailored -- it's 13 tailored to these issues. And it's been teed 14 up, and we already sent it to them. 15 JUDGE AMUNDSON: All right. This 16 is Judge Amundson. Got some follow-up 17 questions. 18 And so by way of the interrogatory, 19 what information are you seeking? 20 MR. HANNAH: So, specifically, 21 this is the interrogatory. I'll read it to you 22 for the record. 23 It says, "Identify all documents and 24 communications between PAN, including its 25 counsel, and Cisco, including its counsel,
Page 13 1 And so we had another meet and confer, 2 and I said, you know, based -- you know, this 3 explicitly carves out communications with 4 counsel, and I would expect that that is what is 5 going to be -- the counsel are going to be 6 talking to each other, not particularly, like, 7 representatives of the parties as these things 8 go. 9 And so I sent -- we sent over a set of 10 discovery requests that said identify the 11 documents, communications between PAN, including 12 its counsel, and Cisco, including its counsel, 13 relating to Centripetal and/or its patents. 14 Their response to that was that it was 15 too -- it was too broad, too broad of a request. 16 And so that's why we contacted the 17 board is that this voluntary discovery that they 18 gave us is just inadequate because it has these 19 carve-outs. And to the extent they're saying 20 it's too broad, then they're obviously trying to 21 make this much, much more narrow to exclude 22 these communications. 23 With regard to this JDA -- joint 24 defense agreement and community interest 25 agreement, it was represented to us that counsel	Page 15 1 relating to Centripetal and/or Centripetal's 2 patents." That's the interrogatory. 3 JUDGE AMUNDSON: All right. And 4 then the production request, do they differ in 5 substance from the interrogatory? 6 MR. HANNAH: No. It mirrors it, 7 and I can read it for the record. 8 It says -- Document Request No. 1 9 says, "All documents and communications between 10 PAN, including its counsel, and Cisco, including 11 its counsel, relating to Centripetal and/or 12 Centripetal's patents." 13 And then Document Request No. 2 is, 14 "All joint defense agreements and/or common 15 interest agreements between PAN, included its 16 counsel, and Cisco, including its counsel, 17 relating to Centripetal and/or Centripetal's 18 patents." 19 And then the request for admission is 20 essentially just a follow-up on that, that, you 21 know, we've done -- we often do. 22 And it just says -- the request for 23 admission is, "Admit to the existence of 24 documents and communications between PAN, 25 including its counsel, and Cisco, including its

Page 16 1 counsel, relating to Centripetal and/or 2 Centripetal's patents." 3 And so that just gives them an avenue, 4 then, if they want to confirm that there are no 5 communications between PAN and its counsel and 6 Cisco and its counsel relating to Centripetal, 7 then they can deny that request. And then, you 8 know, that's their admission. 9 The other thing that we requested that 10 actually be signed, the voluntary request that 11 we had, there was no verification. So it 12 essentially didn't mean anything. 13 So we would ask that, you know, like 14 discovery responses are supposed to be, they're 15 supposed to be signed by somebody that has 16 knowledge and can affirm that the answers are 17 true. 18 JUDGE AMUNDSON: Okay. This is 19 Judge Amundson. Another follow-up question. 20 MR. HANNAH: Go ahead. 21 JUDGE AMUNDSON: Assuming -- a 22 couple things. 23 The request for additional discovery, 24 just so we're all clear, is that for all three 25 IPRs?	Page 18 1 Cisco and its counsel, not between PAN's 2 counsel -- you know, PAN and its own counsel. 3 We framed these to be very specific to 4 say if there's been any communications that have 5 been exchanged between the parties. And 6 typically, you know, when you do these things, 7 when you say "the parties," that always includes 8 their counsel, but they excluded this, which is 9 why we had to word it this way. 10 But we're only asking for 11 communications that were actually exchanged 12 between the parties. We're not asking for 13 communications that the -- you know, a party 14 representative is talking to their own counsel. 15 It's just between the parties. 16 And so if there's any of those 17 communications that are not privileged and they 18 are relevant because if there's -- if they're 19 talking and there's no JDA in place and it's 20 about Centripetal or its patents, then there's 21 likely -- a strongly likelihood that there's a 22 real party of interest issue. 23 JUDGE AMUNDSON: All right. I 24 think we understand Centripetal's position. 25 Mr. McKeown, do you want to address
Page 17 1 MR. HANNAH: Yes, that would be 2 for all three. 3 JUDGE AMUNDSON: Okay. Now, 4 assuming that the board were to grant the 5 request to file the motion and subsequently 6 grant some or all of the requests of discovery, 7 what I don't understand is why you wouldn't -- 8 the only thing you wouldn't get back -- why 9 Centripetal wouldn't get back anything other 10 than a privilege log listing work product 11 communications by petitioner's counsel? 12 MR. HANNAH: Because, Your Honor, 13 they said there was no -- there is no joint 14 defense agreement or community interest 15 agreement, so there can't be any privileged 16 communications between the parties. 17 JUDGE AMUNDSON: Well, okay. So 18 maybe you're right on the privilege issue, but 19 the privilege isn't -- the attorney/client 20 privilege isn't coextensive with the attorney 21 work-product doctrine. 22 MR. HANNAH: Right. So that's 23 why the interrogatories and document requests 24 are specifically asking for documents that have 25 been exchanged between PAN and its counsel and	Page 19 1 the request for leave to file a motion for 2 additional discovery? 3 MR. McKEOWN: Sure. And I should 4 point out that we filed a reply on February 2nd 5 that goes into some of these issues and explains 6 the discovery that we provided. 7 But, first, let me address why we 8 filed against these patents, which is also 9 explained in the petitions themselves in the 10 supplemental briefing. These are part of the 11 same family of patents that have been asserted 12 against us. The complaint has been amended once 13 already. 14 So in looking to challenge this 15 family, obviously we're going to challenge all 16 potential threats. So there's really no smoking 17 gun here or any mystery here. So that's -- you 18 know, the entirety of this request is based on 19 this speculation, and that's exactly what it is. 20 And, you know, it's a bit odd to me 21 that we're talking about a motion for sanctions 22 and to hear Mr. Hannah's description of what's 23 happened because it's a complete 24 misrepresentation. 25 And let's just start at the beginning.

Page 20 1 When Mr. Hannah emailed the board, he 2 asked for discovery into the communications 3 between petitioner and Cisco involving the 4 patents at issue. 5 And because we're aware of the track 6 record here, we just decided, because there's 7 nothing there, to give it to him. 8 And so on Page 4 of the reply that we 9 filed, we explain -- and we didn't file it with 10 the board because we didn't have permission. 11 Number one, there were no 12 communications, written or oral, between PAN and 13 any other entity, that would cover any law 14 firms, relating to financing, preparing, 15 editing, review, approval, or filing of the 16 petition. 17 Two, no individuals acting for or on 18 behalf of any other entity participated or 19 assisted in any way with the financing 20 preparation, editing, review, approval, or 21 filing of the petition. 22 Three, there were no payments by any 23 other entity to PAN in connection with the 24 petition. 25 And, four, no agreement, whether it's	Page 22 1 between any person that mentions Centripetal. 2 You know, I would point out that what 3 is really going on here is that this is an 4 end-around the discovery that's going on in the 5 district court. There are a limited number of 6 custodians. There are a limited number of 7 search terms that Centripetal is entitled to. 8 One of those search terms is the word 9 "Centripetal" for one of those custodians. And 10 now Mr. Hannah would like to expand that to a 11 never-ending list of custodians because this is 12 just a fishing expedition. 13 And even though Mr. Hannah's been told 14 in no uncertain terms did Cisco have anything to 15 do with these petitions, he continues to 16 persist. 17 And I would also mention that I signed 18 that discovery. I signed that petition. My 19 registration number is on the line. I'm not 20 just going to lie through my teeth about this 21 stuff. 22 So there is no basis whatsoever for 23 this fishing expedition that is designed to 24 supplement Mr. Hannah's district court strategy, 25 so that's why we oppose.
Page 21 1 common interest or JDA, exists between PAN/Cisco 2 related to this patent. 3 So that's what we gave Mr. Hannah. 4 As Mr. Hannah pointed out, we had a 5 follow-up meet and confer because he renewed his 6 discovery requests, which I couldn't understand. 7 On that call, he said that there 8 appears to be a carve-out for communication with 9 attorneys. And I said, well, that wasn't 10 intended. If you'd like, we'll update our 11 voluntary discovery to make that clear. 12 He did not take me up on that offer. 13 Instead, what he sent to me were the requests 14 that he just mentioned, which move the goal 15 posts. 16 There is an and/or in these requests, 17 and it states, you know, send us all discovery 18 that relates to the petitioner and Cisco 19 involving these patents or just generally 20 Centripetal. 21 And I explained to Mr. Hannah that the 22 reason we were not going to agree to that is 23 because that was overbroad. It's completely 24 untethered to the RPI issue, you know, general 25 communications between these parties at any time	Page 23 1 And, again, I'm happy to up load the 2 email correspondence on this issue which makes 3 all of this plain, as well as the discovery 4 itself. 5 And that offer remains open. If 6 Mr. Hannah wants discovery or to supplement 7 about whether there were attorneys as opposed to 8 the companies involved, we're happy to do that. 9 That will absolutely foreclose this issue. 10 There's no reason to expand it to any discussion 11 of Centripetal at any time with anyone. 12 JUDGE AMUNDSON: All right. I 13 think we understand your position. 14 And, Mr. Hannah, would you like to 15 respond to that briefly? 16 MR. HANNAH: Yes, Your Honor. 17 I mean, counsel's argument was 18 inherently contradictory. First, he says that 19 there's no communications between Cisco and PAN 20 relating to Centripetal, but then he says that 21 there may be some communications and, therefore, 22 they're not going to -- they're not -- 23 MR. McKEOWN: I said no such 24 thing. 25 MR. HANNAH: Going to answer

Page 24 1 that. 2 So, again, I read the discovery. This 3 is not -- I don't know where this end-around in 4 terms of discovery for the district court comes 5 from. 6 But, in any case, you know, if there's 7 really no communications between the parties, 8 between PAN and Cisco relating to Centripetal, 9 then they can just answer the interrogatories or 10 they can answer the RFA. 11 I mean, we made it very, very clear 12 and straightforward that they can say no. They 13 can just say we deny that there's -- that 14 there's any communications between PAN and Cisco 15 relating to Centripetal or its patents. It's 16 that simple. 17 And so I still can't tell on the 18 record whether there are communications or not 19 because if there really weren't communications, 20 it seems like they should just say there's not. 21 But if there are, then they are 22 relevant and they're not privileged because, as 23 counsel already admitted on this call, there is 24 no joint defense agreement or common interest 25 between the parties and so they can't be	Page 26 1 that's fine. I mean, that's what we tried to -- 2 that's what we tried to put in here. 3 So I can -- so, for instance -- and 4 I'll just read it again. We'd be fine with an 5 interrogatory and then we can mirror them 6 throughout that says, "Identify all documents 7 and communications between PAN, including its 8 counsel, and Cisco, including its counsel, 9 relating to Centripetal's patents." 10 And if that eliminates this, 11 quote/unquote, business discussions between PAN 12 and Cisco relating to Centripetal, then that's 13 fine, and we can limit it to that. 14 I would -- it seems a little odd that 15 PAN and Cisco would be talking about Centripetal 16 in business discussions, but we can limit it to 17 say related to Centripetal's patents. 18 JUDGE AMUNDSON: And could you 19 also narrow it to the three patents at issue in 20 the three IPRs? 21 MR. HANNAH: Well, I'd like to -- 22 see, this is the interesting thing is that I 23 think it should be the patent or related patents 24 because it's odd to me that they're not just 25 coming out and saying, hey, we don't have any
Page 25 1 privileged. 2 So pretty straightforward to me. 3 JUDGE AMUNDSON: Well, this is 4 Judge Amundson. I just want to make sure I 5 understand this. 6 The -- I thought I understood 7 Mr. McKeown to say that at least Palo Alto's 8 position is that what you're asking for is 9 overbroad because it covers whatever 10 run-of-the-mill business communications between 11 whomever, okay, and not -- and that they're not 12 limited to the IPRs or the patents at issue. 13 So do I have -- and I don't have a 14 perfect recollection of what you read into the 15 record about the discovery request, but are 16 the -- are the discovery requests broad enough 17 to cover any communications between 18 Centripetal -- or between -- I'm sorry. My 19 mistake. Between Cisco and Palo Alto? 20 MR. HANNAH: I mean, Your Honor, 21 if that's a concern and that -- it's any 22 business communications, which again, I'm not 23 sure that I really understand that. 24 But in any case, if the -- it needs to 25 be restricted to say Centripetal's patents, then	Page 27 1 communications. They keep doing this caveat. 2 And so I'm not sure if there was, 3 like, some discussion of Centripetal's patents 4 and they just talked about them in categories 5 and maybe they never, like, emailed about the 6 actual patent number or something like that and 7 only did that over the phone, or they used some 8 kind of code name or something. That's the 9 quandary. 10 So I'm fine to say Centripetal's 11 patents or related patents at issue in these 12 IPRs, something along those lines; but I think 13 it needs to be a little bit broader than just 14 the patent number itself. 15 JUDGE AMUNDSON: Like the 16 patent -- this is Judge Amundson. 17 Like the patent family or something 18 related to the patents at issue? 19 MR. HANNAH: I'd be fine with 20 that so that it's broad enough to cover if 21 they're trying to just categorize, like, these 22 groups of patents and then not, you know, use 23 the specific number. 24 But, yes, I'm fine to say 25 Centripetal's patents, the Centripetal patents

Page 28 1 that are related to this. 2 But, again, we can put this -- we can 3 update this, and we would put this in our motion 4 to the board. 5 JUDGE AMUNDSON: Well, Judge 6 Amundson here again. 7 It seems to me that might be a little 8 premature. I mean, I'm not 100 percent 9 convinced you're at an impasse here. 10 You're willing to narrow your 11 discovery requests, and I think Mr. McKeown said 12 he was willing to do some of the things you 13 wanted, perhaps, you know, verify the 14 interrogatory response. 15 Maybe the parties could make one more 16 attempt to try to see if they can work something 17 out or, if not, narrow the issues. 18 MR. HANNAH: That's fair enough, 19 Your Honor. That's a good -- yeah, we can do 20 that. 21 I'll go ahead and I'll revise this 22 based on what I think counsel just said. I'll 23 take a look at the transcript, and then I can 24 send him over -- as soon as we get the 25 transcript, I'll send over a -- what I think you	Page 30 1 ahead. 2 MR. HANNAH: And so maybe I 3 can -- if Your Honor -- if this works for 4 Your Honor, we can put a request, you know, 5 we'll have to use a little real estate here, but 6 we can put the request in our sur-reply here. 7 And then to the extent the board, you 8 know -- when the board goes through and 9 Your Honors go through and look at the issues, 10 then at that time, to the extent that they 11 believe that it is sanctionable, they could -- 12 Your Honors could grant us the opportunity to 13 file our motion at that point. 14 So we could -- I'm just trying to -- 15 I'm trying to follow -- I think I'm following 16 your guidance, and you're trying to make it as 17 efficient as possible. 18 But we are fine putting that request 19 into our sur-reply, and then the board can 20 either, you know, grant or deny the request when 21 it -- you know, at the point it sees fit, if 22 that makes sense. 23 JUDGE AMUNDSON: So the -- Judge 24 Amundson. 25 So the request for sanctions would be
Page 29 1 said and we'll narrow the request and we'll give 2 it another go. 3 JUDGE AMUNDSON: All right. I 4 think that sounds -- I think that sounds good. 5 And then on the motion for sanctions, 6 like I indicated earlier, that might be a little 7 premature at this point until we have all the 8 briefing in on the 1520 IPR and make a decision 9 with regard to institution. 10 MR. HANNAH: That's fine, 11 Your Honor, if that's the procedure. 12 We just want to make sure we're not 13 waiving any rights and that we were following 14 with what the board's guidance was. 15 If the board's guidance is for us to 16 allude to those facts in our sur-reply that's 17 due and then we can -- we still have the right 18 to renew, then that's fine with us. 19 JUDGE AMUNDSON: Well -- Judge 20 Amundson. 21 As I understand the situation based on 22 what Palo Alto said in the preliminary reply in 23 the 1520 IPR, I think that sounds like fair game 24 for your preliminary sur-reply. 25 So let me -- if you could permit -- go	Page 31 1 embodied within the preliminary sur-reply? 2 MR. HANNAH: Correct. Based on 3 Your Honor's guidance that say we're going to 4 have to address these issues because they were 5 raised in the reply, exactly. It is the same 6 facts, so we would put the request actually in 7 our sur-reply. 8 JUDGE AMUNDSON: Well, okay. I'm 9 not quite sure how that works procedurally. 10 Since -- I don't think we would want to grant 11 that request without giving the petitioner an 12 opportunity to respond. 13 MR. HANNAH: It'd be a request -- 14 I was just trying to follow your guidance, 15 Your Honor. I'm happy to do whatever. 16 But it would be a request for the 17 motion based on this call and then based on our 18 argument in the sur-reply. 19 So it'd be a request to file a motion 20 for the sanctions, which would follow the normal 21 briefing schedule. 22 But, Your Honor, we can renew the 23 request at a later point as well. I'm happy to 24 do whatever Your Honor -- 25 JUDGE AMUNDSON: Well, all right.

Page 32 1 If you -- if the parties could give the panel 2 members a few minutes to confer, if you could 3 just stay on the line. 4 MR. McKEOWN: Your Honor, could I 5 just correct something on the record quickly? 6 JUDGE AMUNDSON: All right. Very 7 quickly. 8 MR. McKEOWN: Yeah. Just very 9 quickly. 10 I never said that there were any 11 communications with Centripetal, and I just want 12 to make that clear. If that came out that way, 13 that was a misstatement and, you know, we've 14 already offered this discovery to Mr. Hannah. 15 So if he wants to reformat his 16 requests and take out the search for Centripetal 17 conversations in general, then, you know, we've 18 already offered that to them. So that's fine. 19 JUDGE AMUNDSON: All right. As I 20 said, if the parties could give the panel 21 members a few minutes to confer. 22 All right. Thank you. 23 MR. McKEOWN: Thank you. 24 (Discussion had off the record.) 25 JUDGE AMUNDSON: Hello. This is	Page 34 1 I think that's about all we have on the agenda 2 for this afternoon. I want to thank both 3 parties for your -- 4 MR. McKEOWN: Could I ask -- 5 sorry to interrupt, Your Honor. 6 JUDGE AMUNDSON: Go ahead. 7 MR. McKEOWN: Just one question. 8 Assuming we do come to an agreement on 9 the discovery, would we have authorization to 10 upload that into the record? 11 JUDGE AMUNDSON: Well -- okay. A 12 couple things come to my mind. 13 If you come to an agreement and the 14 discovery is relevant, I would think that 15 Centripetal would want to upload it. 16 And if the discovery is not relevant, 17 I don't see why anybody would want to upload it. 18 MR. McKEOWN: Well, I mean, I 19 think it's something that would need to be 20 addressed in any institution decision in terms 21 of, well, this issue has been settled and here's 22 Exhibit XYZ that, you know, the parties had 23 negotiated and, you know, there's just nothing 24 there. That's what I'm thinking. 25 JUDGE AMUNDSON: Well, okay. As
Page 33 1 Judge Amundson. 2 Mr. McKeown, are you still with us? 3 MR. McKEOWN: Yes, I am. 4 JUDGE AMUNDSON: Mr. Hannah, are 5 you still with us? 6 MR. HANNAH: Yes, Your Honor. 7 JUDGE AMUNDSON: All right. So 8 after having conferred with the panel members, 9 the panel believes that a request for 10 sanctions -- or that a sanction motion is a 11 little premature at this point until we've 12 received all the briefing preceding the 13 institution decision and until we've made a 14 decision on institution. 15 But -- so we're not at this time 16 authorizing a motion for sanctions; but we do 17 recognize that you haven't waived any right to 18 make that request in the future. 19 Are there any questions? Mr. Hannah? 20 MR. HANNAH: None from me, 21 Your Honor. Thank you very much for your time. 22 JUDGE AMUNDSON: Mr. McKeown? 23 MR. McKEOWN: No questions from 24 me, Your Honor. 25 JUDGE AMUNDSON: All right. Then	Page 35 1 with this too, it seems a little bit premature. 2 Why don't you see -- why don't the parties see 3 if they can work out an agreement. If so, 4 that's fine. 5 And then depending on what the 6 discovery is, you know, if one party feels the 7 need that it really wants that discovery in the 8 record, we can take it up down the road. 9 MR. McKEOWN: Okay. Thank you, 10 Your Honor. 11 JUDGE AMUNDSON: All right. Are 12 there any other questions? 13 MR. McKEOWN: None from 14 petitioner, Your Honor. 15 MR. HANNAH: No, Your Honor. 16 JUDGE AMUNDSON: All right. 17 Again, thank you to both parties, and the call 18 is adjourned. Thank you. 19 (2:39 p.m. - Adjournment.) 20 ** ** ** ** 21 22 23 24 25

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C E R T I F I C A T E

STATE OF NEBRASKA }
COUNTY OF DOUGLAS } ss.

I, Brianne L. Starkey, RPR, CRR, General
Notary Public within and for the State of
Nebraska, do hereby certify that the foregoing
proceedings were taken by me in shorthand and
thereafter reduced to typewriting by use of
Computer-Aided Transcription, and the foregoing
thirty-five (35) pages contain a full, true and
correct transcription of all the proceedings, to
the best of my ability;

That I am not a kin or in any way
associated with any of the parties to said cause
of action, or their counsel, and that I am not
interested in the event thereof.

IN WITNESS WHEREOF, I hereunto affix my
signature and seal this 14th day of February,
2022.

BRIANNE L. STARKEY, RPR, CRR
GENERAL NOTARY PUBLIC

My Commission Expires:

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