

From: Hughes, Scott
Sent: Thursday, March 23, 2023 6:35 PM
To: Forinash, Derek V.; Crowson, Celine J.
Cc: Raffetto, Joseph; Stephenson, Ryan J.; Jones, Miranda Y.
Subject: RE: Default Protective Order for IPR2023-00351 and IPR2023-00352

Dear Counsel,

Without knowing more about the exhibits that Patent Owner wants to file under seal, including what they are and why Patent Owner contends they should be confidential, Petitioner cannot agree to enter into the Default Protective Order at this time. Without such information, Petitioner cannot assess whether, for example, modifications to the Default Protective Order may be appropriate or any protective order is necessary. For these same reasons, we do not consider Patent Owner's email coming at 2:20pm ET on the day it seeks to file its motion to seal and for a Default Protective Order to be a good faith conference or attempt to confer with Petitioner to come to an agreement on the scope of the proposed protective order, as is required by 37 C.F.R. § 42.54(a). We agree to keep the exhibits confidential for the purposes of receiving the materials Patent Owner intends to file under seal in a timely manner, but reserve the right to oppose the request for a Default Protective Order, and to request that a Protective Order differing from the Default Protective Order be entered.

Best,

Scott

From: Forinash, Derek V. <DForinash@porterhedges.com>
Sent: Thursday, March 23, 2023 2:20 PM
To: Crowson, Celine J. <celine.crowson@hoganlovells.com>
Cc: Raffetto, Joseph <joseph.raffetto@hoganlovells.com>; Stephenson, Ryan J. <ryan.stephenson@hoganlovells.com>; Hughes, Scott <scott.hughes@hoganlovells.com>; Jones, Miranda Y. <MJones@porterhedges.com>
Subject: Default Protective Order for IPR2023-00351 and IPR2023-00352

[EXTERNAL]

Counsel,

Patent Owner intends to file a Motion to Seal select Exhibits and Enter the Default Protective Order with its preliminary response today in IPR2023-00351 and IPR2023-00352. Does Mercedes accept and agree to the terms of the Default Protective Order?

Derek V Forinash | Partner
Porter Hedges LLP

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