

From: [Jelenchick, Kadie M.](#)
To: [John M. Skeriotis](#)
Cc: [Sergey Vernyuk](#); [King, Chris](#); [Moran, Michelle A.](#); [Rieger, Sarah E.](#); [Maass, Steph](#)
Subject: RE: IPR2023-00407 - Dr. Batzer's Deposition
Date: Thursday, August 24, 2023 8:29:00 PM

John –

I am following up from today's cross-examination of Dr. Batzer, which ended before it was completed because Dr. Batzer scheduled travel to accommodate another in-person deposition in an unrelated matter in his home forum.

Today's deposition was noticed on August 9, 2023, after you selected today's date and to proceed in Akron at our local counsel's office despite our offer to depose Dr. Batzer in his home forum, which would have eliminated his travel. Your last minute identification of Dr. Batzer's self-imposed travel issue doesn't circumvent Ravin's entitlement to 7 hours of deposition time, which we intend to utilize. Nothing about my email to you yesterday suggests anything to the contrary.

Ravin's deposition notice is clear – Ravin ... "shall take the deposition of Stephen A. Batzer, Ph.D., P.E., commencing August 24, 2023, at 9 a.m. until completed." Your remarks after Dr. Batzer left his deposition, over Ravin's objection, that imply that we are somehow at fault because we didn't start earlier and rearrange for modifications to the location and personnel necessary to accommodate you and your witness, particularly when we were also traveling to today's deposition, do nothing to change the simple fact that you decided – unilaterally – to end at 4:30 p.m.

Dr. Batzer's deposition is not complete. We expect that you will produce him again for the remaining approximate 1-hour of questioning at a mutually-agreed upon time the week of August 28. I am willing to consider finishing Dr. Batzer's deposition via Zoom (or similar platform).

No later than Monday, August 28, by close of business, please confirm you intend to produce Dr. Batzer for the remainder of his deposition and provide some days and windows of time that he is available. If you remain unwilling to do so, please provide days/times that you are available for a conference with the Board.

Kadie M. Jelenchick

Partner

Foley & Lardner LLP | Milwaukee, WI
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From: Moran, Michelle A. <MMoran@foley.com>

Sent: Monday, August 7, 2023 6:09 PM

To: John M. Skeriotis <jms@etblaw.com>

Cc: Sergey Vernyuk <SV@etblaw.com>; Jelenchick, Kadie M. <KJelenchick@foley.com>; King, Chris <CKing@foley.com>; Maass, Steph <SMAass@foley.com>

Subject: RE: IPR2023-00407 - Dr. Batzer's Deposition

Hi John,

We will take Dr. Batzer's deposition on August 24 at the offices of Roetzel & Andress, 222 South Main Street, Suite 400, Akron, Ohio 44308.

Accordingly, we will file a Notice of Deposition with the PTAB no later than August 10, 2023.

Regards,

Michelle A. Moran

Senior Counsel

Foley & Lardner LLP

777 East Wisconsin Avenue, Milwaukee, WI 53202-5306

Phone 414.297.5629 | Cell 414.467.4609

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From: John M. Skeriotis <jms@etblaw.com>

Sent: Tuesday, July 25, 2023 9:48 AM

To: Moran, Michelle A. <MMoran@foley.com>

Cc: Sergey Vernyuk <SV@etblaw.com>; Jelenchick, Kadie M. <KJelenchick@foley.com>; King, Chris <CKing@foley.com>; Maass, Steph <SMAass@foley.com>

Subject: Re: IPR2023-00407 - Dr. Batzer's Deposition

**** EXTERNAL EMAIL MESSAGE ****

Sorry, you also asked for the location. That would be Akron, Ohio. I suspect local counsel's offices would work.

Very truly yours,

John M. Skeriotis

Emerson, Thomson & Bennett, LLC

1914 Akron Peninsula Road

Akron, Ohio 44313

330.434.9999 - P

330.434.8888 - F

330.352.4240 - C

www.etblaw.com

On Jul 25, 2023, at 10:47 AM, John Skeriotis <jms@etblaw.com> wrote:

Michelle,

Sorry for the delay. Dr. Batzer is available on August 24 or 25.

Let me know the date you choose.

Very truly yours,

John M. Skeriotis
Emerson, Thomson & Bennett, LLC
1914 Akron Peninsula Road
Akron, Ohio 44313
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On Jul 25, 2023, at 10:36 AM, Moran, Michelle A. <MMoran@foley.com> wrote:

John,

I am following up on the request below for possible dates and locations for Dr. Batzer's deposition. Please provide the requested information as soon as possible. Thank you.

Regards,

Michelle A. Moran
Senior Counsel

Foley & Lardner LLP
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<image001.jpg>

From: Moran, Michelle A.

Sent: Friday, July 14, 2023 12:11 PM

To: John M. Skeriotis <jms@etblaw.com>; Sergey Vernyuk
<SV@etblaw.com>

Cc: Jelenchick, Kadie M. <KJelenchick@foley.com>; King, Chris

<CKing@foley.com>; Maass, Steph <SMaass@foley.com>

Subject: IPR2023-00407 - Dr. Batzer's Deposition

John,

We would like to make arrangements for Dr. Batzer's deposition in connection with his expert declaration submitted with TenPoint's IPR2023-00407.

Please provide dates during the week of August 24 and September 4 that Dr. Batzer is available. Please also confirm the preferred city – whether that's Traverse City, Detroit, or somewhere else.

Given that we must file our notice of deposition with the Board at least ten business days before it is scheduled to occur, please provide dates/location for Dr. Batzer's deposition no later than July 24, 2023.

Thanks,

Michelle A. Moran

Senior Counsel

Foley & Lardner LLP

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