

Sarah Jupina

From: Elliot Chen
Sent: Wednesday, August 23, 2023 10:22 AM
To: Saukshmya Trichi
Cc: Derek Vandenburg; Katherine Chen; Kelly Cunningham; Iain A McIntyre; Tsteigen-v-Vikinglitgroup; Aaron McGushion; Viking_CCVL; Mitch Williams
Subject: RE: Viking Drill & Tool v. Wang - IPR2023-00473 and IPR2023-00474

Saukshmya,

We requested Dr. Schmidt's availability during the first two weeks of September. As you know, under the current briefing schedule, Patent Owner's response to the petition or motion to amend is due on **October 3**. In fact, if Patent Owner decides to file a Motion to Amend, we must request a conference call with the Board by **September 19, 2023**. Scheduling Order at A.6. Because Dr. Schmidt's deposition could impact Patent Owner's decision in either regard, a September 26 deposition date does not work.

Please provide Dr. Schmidt's availability during the weeks of September 5 or September 12. Furthermore, while we believe that Dr. Schmidt's deposition pertaining to the issues raised in IPR2023-00473 and IPR2023-00474 can be completed in one day, we reserve the right to take Dr. Schmidt's deposition for a second day, should it be necessary.

Elliot Chen

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From: Saukshmya Trichi <STrichi@carlsoncaspers.com>
Sent: Wednesday, August 23, 2023 9:07 AM
To: Elliot Chen <echen@ecjlaw.com>
Cc: Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Katherine Chen <KChen@carlsoncaspers.com>; Kelly Cunningham <kcunningham@ecjlaw.com>; Iain A McIntyre <IMcIntyre@carlsoncaspers.com>; Tsteigen-v-Vikinglitgroup <Tsteigen-v-Vikinglitgroup@ecjlaw.com>; Aaron McGushion <aaron@mcgushion.com>; Viking_CCVL <Viking_CCVL@carlsoncaspers.com>; Mitch Williams <mwilliams@carlsoncaspers.com>
Subject: RE: Viking Drill & Tool v. Wang - IPR2023-00473 and IPR2023-00474

Counsel,

We write regarding Dr. Schmid's availability for a deposition in the above-captioned matters. Due to certain academic commitments, Dr. Schmid is available for a remote deposition on September 26, 2023. Please confirm if this date works for you. Petitioner is agreeable to your request that Dr. Schmid be deposed once in IPR2023-00473 and IPR2023-00474.

Further, we are reviewing your requests on the discovery-related issues and will endeavor to provide our response soon.

Regards,
Saukshmya



Saukshmya Trichi
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From: Saukshmya Trichi <STrichi@carlsoncaspers.com>

Sent: Monday, August 21, 2023 8:24 AM

To: Elliot Chen <echen@ecjlaw.com>

Cc: Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Katherine Chen <KChen@carlsoncaspers.com>; Kelly Cunningham <kunningham@ecjlaw.com>; Tsteigen-v-Vikinglitgroup <Tsteigen-v-Vikinglitgroup@ecjlaw.com>; Aaron McGushion <aaron@mcgushion.com>; Viking_CCVL <Viking_CCVL@carlsoncaspers.com>

Subject: Re: Viking Drill & Tool v. Wang - IPR2023-00473 and IPR2023-00474

Counsel,

We are in receipt of your below email and will endeavour to get back to you soon.

Best regards,
Saukshmya



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On Aug 17, 2023, at 6:06 PM, Elliot Chen <echen@ecjlaw.com> wrote:

Counsel,

We wanted to discuss some logistical issues with you for IPR2023-00473 and IPR2023-00474.

First, please provide the availability of Dr. Steven R. Schmid for deposition during the weeks of September 4 or September 11. Patent Owner plans to take Mr. Schmid's deposition by Zoom. For efficiency purposes, please let us know if you are willing to combine Mr. Schmid's depositions for IPR2023-00473 and IPR2023-00474.

Second, please produce any routine discovery by **September 4, 2023**. Routine discovery includes: (1) production of any exhibit cited in a paper or testimony; (2) the cross-examination of the other sides declarants; and (3) relevant information that is inconsistent with a position advanced during the proceeding. Because Viking is arguing that the '583 patent is obvious, routine discovery would include evidence that Viking Drill copied the design of the Matco Hyper-Step drill bits in designing its Vortex

Point drill bits, that the Vortex Point drill bits were commercially successful, and any industry praise that the Vortex Point drill bits have received.

Third, to avoid the need for Additional Discovery under 37 CFR § 42.51(b)(2), will Viking agree that the parties may rely on documents and information disclosed during discovery in *Tsteigen, Inc. et al. v. Viking Drill & Tool, Inc.*, Case No. 0:21-cv-02759 KMM HB (D. Minn.)? This would also obviate the need for the Routine Discovery discussed above that was already produced in connection with the Minnesota proceedings.

Fourth, we have attached our proposed Protective Order, based on the PTAB's Default Protective Order. Please let us know if Viking will agree to the same.

Thank you so much!

Best,
Elliot

Elliot Chen

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<Viking Drill v. Wang - Protective Order(10997288.2).docx>