

From: [Kelly Cunningham](#)
To: [Saukshmya Trichi](#); [Derek Vandenburg](#); [Mitch Williams](#); [Iain A McIntyre](#); [Katherine Chen](#)
Cc: [Tsteigen-v-Vikinglitgroup](#); [Viking_CCVL](#); [Jeya Paul](#); [Holley C. M. Horrell](#); atobin@greeneespel.com
Subject: RE: Viking Drill & Tool v. Wang - Civil Action No. 0:21-cv-02759 (JWB/JFD - Protective Order Violations)
Date: Saturday, November 04, 2023 3:49:56 PM
Attachments: [image001.jpg](#)
[Combined declaration of William J Endres iso responses to petitions \(WJE\) wie.pdf](#)
Importance: High

Hi Saukshmya and Derek,
I attach the combined declaration of William Endres.
Call or email me if you have any questions regarding this or the IPRs.
Best regards,
Kelly

Kelly Cunningham

ERVIN COHEN & JESSUP LLP

9401 Wilshire Boulevard, 12th Floor | Beverly Hills, CA 90212-2974

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From: Saukshmya Trichi <STrichi@carlsoncaspers.com>

Sent: Friday, November 3, 2023 3:18 PM

To: Elliot Chen <echen@ecjlaw.com>; Katherine Chen <KChen@carlsoncaspers.com>; Kelly Cunningham <kcunningham@ecjlaw.com>; Aaron McGushion <aaron@mcgushion.com>

Cc: Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Iain A McIntyre <IMcIntyre@carlsoncaspers.com>; Mitch Williams <mwilliams@carlsoncaspers.com>; Tsteigen-v-Vikinglitgroup <Tsteigen-v-Vikinglitgroup@ecjlaw.com>; Viking_CCVL <Viking_CCVL@carlsoncaspers.com>; Jeya Paul <jpaul@greeneespel.com>; Holley C. M. Horrell <HHorrell@greeneespel.com>; atobin@greeneespel.com

Subject: RE: Viking Drill & Tool v. Wang - Civil Action No. 0:21-cv-02759 (JWB/JFD - Protective Order Violations)

Elliot,

Thank you for your email and providing Prof. Endres' undertaking and acknowledgement in IPR2023-

474. We note that your email did not include Prof. Endres' executed acknowledgement in IPR2023-473.

Further, we note that Prof. Endres' signed the undertaking and acknowledgement only on November 2, 2023, after Patent Owner filed the Responses on November 1, 2023 in the IPR proceedings. Accordingly, please confirm that Prof. Endres has maintained confidentiality (consistent with the protective order's requirements) of Viking's protected, confidential-AEO information from the date that such information was first disclosed/provided to him.

Regards,
Saukshmya



Saukshmya Trichi
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From: Elliot Chen <echen@ecjlaw.com>

Sent: Friday, November 03, 2023 4:22 PM

To: Saukshmya Trichi <STrichi@carlsoncaspers.com>; Katherine Chen <KChen@carlsoncaspers.com>; Kelly Cunningham <kcunningham@ecjlaw.com>; Aaron McGushion <aaron@mcgushion.com>

Cc: Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Iain A McIntyre <IMcIntyre@carlsoncaspers.com>; Mitch Williams <mwilliams@carlsoncaspers.com>; Tsteigen-v-Vikinglitgroup <Tsteigen-v-Vikinglitgroup@ecjlaw.com>; Viking_CCVL <Viking_CCVL@carlsoncaspers.com>; Jeya Paul <jpaul@greeneespel.com>; Holley C. M. Horrell <HHorrell@greeneespel.com>; atobin@greeneespel.com

Subject: RE: Viking Drill & Tool v. Wang - Civil Action No. 0:21-cv-02759 (JWB/JFD - Protective Order Violations

Saukshmya,

Thank you for bringing this to our attention. We will serve Corrected Declarations of William Endres and Hongjia Wang today.

To address your other emails, please find William Endres' Protective Order acknowledgements attached. We confirm that David Fisher and Hongjia Wang were not provided with any material designated as AEO by Viking or Kimball Midwest. We also confirm that we have provided Kimball Midwest with notice that Patent Owner may present the three documents designated as AEO at Oral Argument.

We also confirm that Mr. Endres and Mr. Wang's declarations do not contain any information that

Petitioner designated as Attorneys' Eyes Only. A redacted version of Mr. Fisher's declaration is attached (and was also included as Attachment F to our Motion to Seal). Mr. Fisher does not cite to any materials designated as AEO by Viking or Kimball Midwest.

Thank you,
Elliot

Elliot Chen

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From: Saukshmya Trichi <STrichi@carlsoncaspers.com>

Sent: Friday, November 3, 2023 2:17 PM

To: Katherine Chen <KChen@carlsoncaspers.com>; Kelly Cunningham <kcunningham@ecjlaw.com>; Aaron McGushion <aaron@mcgushion.com>

Cc: Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Iain A McIntyre <IMcIntyre@carlsoncaspers.com>; Mitch Williams <mwilliams@carlsoncaspers.com>; Tsteigen-v-Vikinglitgroup <Tsteigen-v-Vikinglitgroup@ecjlaw.com>; Viking_CCVL <Viking_CCVL@carlsoncaspers.com>; Elliot Chen <echen@ecjlaw.com>; Jeya Paul <jpaul@greeneespel.com>; Holley C. M. Horrell <HHorrell@greeneespel.com>; atobin@greeneespel.com

Subject: RE: Viking Drill & Tool v. Wang - Civil Action No. 0:21-cv-02759 (JWB/JFD - Protective Order Violations

Counsel,

We are following up on our below email and ask that you please acknowledge receipt. We are also copying Plaintiffs' local counsel in the district court litigation.

Regards,
Saukshmya

Saukshmya Trichi
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From: Katherine Chen <KChen@carlsoncaspers.com>

Sent: Thursday, November 02, 2023 4:09 PM

To: Kelly Cunningham <kcunningham@ecjlaw.com>; Aaron McGushion <aaron@mcgushion.com>

Cc: Derek Vandenburg <DVandenburg@carlsoncaspers.com>; Iain A McIntyre <IMcIntyre@carlsoncaspers.com>; Mitch Williams <mwilliams@carlsoncaspers.com>; Tsteigen-v-Vikinglitgroup <Tsteigen-v-Vikinglitgroup@ecjlaw.com>; Viking_CCVL <Viking_CCVL@carlsoncaspers.com>; Elliot Chen <echen@ecjlaw.com>

Subject: Viking Drill & Tool v. Wang - Civil Action No. 0:21-cv-02759 (JWB/JFD - Protective Order Violations)

Counsel,

We write to notify you of Plaintiff/Patent Owner, Hongjia Wang is in violation of the Amended Protective Order, entered in Civil Action No. 0:21-cv-02759 (JWB/JFD) (D.Minn.) (ECF No. 124), and the Protective Orders entered in IPR 2023-473 (Paper No. 27) and IPR 2023-474 (Paper No. 29) (collectively, "IPR Protective Orders").

On November 1, 2023, Patent Owner submitted Expert Declarations of Dr. William J. Endres in support of Patent Owner's Response in IPR 2023-473 and IPR 2023-474. See IPR 2023-473 (Patent Owner's Ex. 2034) and IPR 2023-474 (Patent Owner's Ex. 2034). Based on our current ongoing review, we note that Dr. Endres cites to a number of documents produced by Defendant/Petitioner, Viking Drill & Tool, Inc., in Civil Action No. 0:21-cv-02759 (JWB/JFD) (D.Minn.) that are designated CONFIDENTIAL-ATTORNEYS EYES ONLY in accordance with the Protective Order entered therein, as amended on September 21, 2023. See ECF No. 126.

As you know, Paragraph 3, Section 7 of the Amended Protective Order required that "any person who is retained to assist a party or attorney with this action and/or the related proceedings," must sign "a declaration, which is provided to the producing party at least 10 days prior to disclosure of such [confidential] information,..." ECF No. 126 (emphases added). Plaintiff/Patent Owner has failed to provide Defendant/Petitioner with Dr. Endres' executed undertaking **prior to** disclosing Viking's confidential information to him.

Additionally, Paragraph 9 of the IPR Protective Orders require that the signed acknowledgement form "is to be provided to the other party, and gain access to information covered by the protective order..." IPR 2023-473 (Paper No. 27 at ¶19) and IPR 2023-474 (Paper No. 29 at ¶19). Plaintiff/Patent Owner has failed to provide Defendant/Petitioner with Dr. Endres' executed acknowledgement **prior to** disclosing Viking's confidential information to him.

We ask that Plaintiff/Patent Owner provide the executed undertaking and acknowledgment immediately. Please also confirm that Plaintiff/Patent Owner has not disclosed Defendant/Petitioner's confidential information to anyone else, including specifically other declarants, Mr. Wang and Mr. Fisher. To the extent you refuse to do so, please provide your availability for a meet and confer.

Regards,



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