
From: Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>
Sent: Wednesday, January 3, 2024 6:02 PM
To: Cupar, David B.
Cc: Shawn Mangano; Nazly Bayramoglu; Lucas Stelling; Deniz Bayramoglu; Cavanagh, Matthew J.; Meeks, Susan; Kurk, Nicholas; Micalizzi, Julie
Subject: Re: Chongqing Yanmei Technology v. Terves IPR2023-00521

Counsel,

37 CFR Section 42.51 (b)(1)(ii) states that Cross Examination of affidavit testimony prepared for the proceeding is authorized within such period as the board may set. Sherman Declaration was submitted in the proceedings and relied on by the Patent Owner and we are within petitioner's discovery period. Accordingly, our client is entitled to the requested examination.

Please let me know a convenient location for Mr. Sherman so that we can send you the notice of deposition for cross examination.

Thank you.

GOKALP
BAYRAMOGLU, PH.D. 
Attorney-at-Law **Bayramoglu Law**

Admissions: California, Nevada, United States Patent
and Trademark Office

1540 West Warm Springs Road, Suite 100,
Henderson, NV 89014
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EVERY PERSON WHO
WALKS THROUGH
OUR DOOR IS
IMPORTANT TO US

From: Cupar, David B. <dcupar@mcdonaldhopkins.com>
Sent: Wednesday, January 3, 2024 6:34 AM
To: Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>
Cc: Shawn Mangano <Shawnmangano@bayramoglu-legal.com>; Nazly Bayramoglu <nazly@bayramoglu-legal.com>; Lucas Stelling <lucas@bayramoglu-legal.com>; Deniz Bayramoglu <deniz@bayramoglu-legal.com>; Cavanagh, Matthew J. <mcavanagh@mcdonaldhopkins.com>; Meeks, Susan <smeeks@mcdonaldhopkins.com>; Kurk, Nicholas <nkurk@mcdonaldhopkins.com>; Micalizzi, Julie <jmicalizzi@mcdonaldhopkins.com>
Subject: RE: Chongqing Yanmei Technology v. Terves IPR2023-00521

Counsel,

I'd like to better understand from you Chongqing's need for taking the Sherman Declaration. Patent Owner merely cited paragraphs 1-2 and 4 of the Sherman Declaration in two sentences the Background Section on pages 2 and 4 in its November 22, 2023 Response to the IPR Petition. Patent Owner did not cite to the Sherman Declaration as evidence regarding any substantive Grounds Petitioner raises.

Thanks,
David Cupar

David B. Cupar
Member

T: 216.430.2036
F: 216.348.5474
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600 Superior Avenue East
Suite 2100
Cleveland, OH 44114

From: Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>
Sent: Wednesday, January 3, 2024 9:03 AM
To: Cupar, David B. <dcupar@mcdonaldhopkins.com>
Cc: Shawn Mangano <Shawnmangano@bayramoglu-legal.com>; Nazly Bayramoglu <nazly@bayramoglu-legal.com>; Lucas Stelling <lucas@bayramoglu-legal.com>; Deniz Bayramoglu <deniz@bayramoglu-legal.com>
Subject: [External] Re: Chongqing Yanmei Technology v. Terves IPR2023-00521

Counsel,

I sent you an email on December 28, 2023, stating the following:

" We would like to take deposition of Andrew J. Sherman. Before we send out the formal deposition notice, I would like to check with you to find out where Mr. Sherman lives and which city would be a good location for his deposition.

As far as timing goes, we were looking at the week of January 15, 2024 but can be flexible depending on your and Mr. Sherman's availability.

Please get back to me by Friday (12/29) so that we can notice the deposition in a timely manner."

Please get back to me on this request as soon as possible so that we can send you a deposition notice with a proper location for his deposition.

Thank you.

From: Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>
Sent: Thursday, December 28, 2023 7:23 AM
To: Cupar, David B. <dcupar@mcdonaldhopkins.com>
Cc: Shawn Mangano <Shawnmangano@bayramoglu-legal.com>; Nazly Bayramoglu <nazly@bayramoglu-legal.com>;
Lucas Stelling <lucas@bayramoglu-legal.com>; Deniz Bayramoglu <deniz@bayramoglu-legal.com>
Subject: Re: Chongqing Yanmei Technology v. Terves IPR2023-00521

Counsel,

We would like to take deposition of Andrew J. Sherman. Before we send out the formal deposition notice, I would like to check with you to find out where Mr. Sherman lives and which city would be a good location for his deposition.

As far as timing goes, we were looking at the week of January 15, 2024 but can be flexible depending on your and Mr. Sherman's availability.

Please get back to me by Friday (12/29) so that we can notice the deposition in a timely manner.

Thank you for your cooperation.

From: Cupar, David B. <dcupar@mcdonaldhopkins.com>
Sent: Wednesday, November 22, 2023 8:29 AM
To: IN <in@bayramoglu-legal.com>; Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>; Deniz Bayramoglu <deniz@bayramoglu-legal.com>
Subject: Chongqing Yanmei Technology v. Terves IPR2023-00521

Counsel,

Attached is a copy of Patent Owner's Response to Petition.

Dave

David B. Cupar
Member

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From: Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>
Sent: Monday, January 8, 2024 10:07 AM
To: Cupar, David B.; Cavanagh, Matthew J.
Cc: Deniz Bayramoglu; Shawn Mangano; Elizabeth Cummings; Heather Ikerd; amanda@bayramoglu-legal.com; Lucas Stelling; Meeks, Susan; Kurk, Nicholas; Micalizzi, Julie
Subject: Re: Notice of Cross Examination of Andrew J. Sherman

Counsel,

In this case, Patent Owner submitted a declaration with the preliminary response. Although Patent Owner tries to minimize the usage of the declaration in Patent owner's response, the declaration was used and it was not withdrawn at the time the Patent Owner filed the response to the petition. It was not until an email was sent to set up a cross examination of Patent Owner's declarant that the Patent Owner all of a sudden decided to withdraw the declaration. Accordingly, please provide available dates for proceeding with the deposition by 5 pm PST on Wednesday, January 10, 2024. Feel free to seek appropriate relief should you deem it warranted.

Thank you

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From: Cupar, David B. <dcupar@mcdonaldhopkins.com>
Sent: Friday, January 5, 2024 7:53 AM
To: Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>; Cavanagh, Matthew J. <mcavanagh@mcdonaldhopkins.com>
Cc: Deniz Bayramoglu <deniz@bayramoglu-legal.com>; Shawn Mangano <Shawnmangano@bayramoglu-legal.com>; Elizabeth Cummings <elizabeth@bayramoglu-legal.com>; Heather Ikerd <Heather@bayramoglu-legal.com>; amanda@bayramoglu-legal.com <amanda@bayramoglu-legal.com>; Lucas Stelling <lucas@bayramoglu-legal.com>; Meeks, Susan <smeeks@mcdonaldhopkins.com>; Kurk, Nicholas <nkurk@mcdonaldhopkins.com>; Micalizzi, Julie <jmicalizzi@mcdonaldhopkins.com>
Subject: RE: Notice of Cross Examination of Andrew J. Sherman

Counsel,

We already disclosed to you that we are not relying on Mr. Sherman as a witness in this IP proceeding. Mr. Sherman's testimony also is not relevant for the Board on ruling on Petitioner's Grounds. Further and practically, Matt and I are not available on January 17 per your unilateral notice. Thus, your deposition notice is deficient and not enforceable. See 37 CFR 42.53(d)(1) (requiring the parties to agree on the time and place).

The rules cannot be clearer: "For cross-examination testimony, the scope of the examination is limited to the scope of the direct testimony." 37 CFR 42.53(d)(5)(ii). Patent Owner states that it's not relying on the direct testimony from Mr. Sherman, which means that there is nothing for Petitioner to cross-examine him on in deposition. You have not provided any substantive basis for Mr. Sherman's deposition, despite our repeated request for such information. Your lack of any substantive basis for Mr. Sherman's deposition is particularly improper because Terves has agreed to withdraw Mr. Sherman's declaration from further consideration as evidence in this proceeding. Since Mr. Sherman has no substantive direct testimony, and in fact has no direct testimony whatsoever after the declaration was withdrawn, there can be no cross-examination.

Therefore, Mr. Sherman's deposition shall not proceed and the unilateral, improper notice you served violates the Board's Rules. If you believe that Mr. Sherman's deposition can go forward despite Patent Owner withdrawing Sherman's declaration, then respond with the basis under the IPR rules to do so. Also, we are willing to file a formal withdrawal of Mr. Sherman's declaration if necessary.

Best,

David B. Cupar
Member

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From: Gokalp Bayramoglu <gokalp@bayramoglu-legal.com>

Sent: Thursday, January 4, 2024 6:14 PM

To: Cupar, David B. <dcupar@mcdonaldhopkins.com>; Cavanagh, Matthew J. <mcavanagh@mcdonaldhopkins.com>

Cc: Deniz Bayramoglu <deniz@bayramoglu-legal.com>; Shawn Mangano <Shawnmangano@bayramoglu-legal.com>; Elizabeth Cummings <elizabeth@bayramoglu-legal.com>; Heather Ikerd <Heather@bayramoglu-legal.com>; amanda@bayramoglu-legal.com; Lucas Stelling <lucas@bayramoglu-legal.com>

Subject: [External] Notice of Cross Examination of Andrew J. Sherman

Counsel,

Please see the attached notice of cross examination of Andrew J. Sherman.

Thank you.

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