

From: [Director_PTABDecision_Review](#)
To: [Director_PTABDecision_Review](#); ptong@raklaw.com; [Gunder, Stacy](#); ilee@raklaw.com; bwang@raklaw.com; aweiss@raklaw.com; pkroeger@raklaw.com; rak_nextgen@raklaw.com; [Trials](#); [Stevens, Scott](#); [Welch, Matt](#); [Riolo, Mary](#)
Subject: RE: Order Violations in IPR2023-00680, IPR2023-00681, and IPR2023-00682
Date: Tuesday, February 13, 2024 3:42:00 PM

Petitioner's request is approved, and Paper 15 and Exhibit 1038 have been expunged from each proceeding. Petitioner is authorized to re-file its Reply in each proceeding within 24 hours. Petitioner's corrected Reply should omit the citations to and quotes from Exhibit 1038, but may not make any other changes.

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, February 13, 2024 12:56 PM
To: Director_PTABDecision_Review <Director_PTABDecision_Review@uspto.gov>
Cc: Trials <Trials@USPTO.GOV>
Subject: FW: Order Violations in IPR2023-00680, IPR2023-00681, and IPR2023-00682

From: Wroblewski, Karlee <Karlee.Wroblewski@alston.com>
Sent: Tuesday, February 13, 2024 12:53 PM
To: ptong@raklaw.com; [Gunder, Stacy](#) <Stacy.Gunder@alston.com>; ilee@raklaw.com; bwang@raklaw.com; aweiss@raklaw.com; pkroeger@raklaw.com; rak_nextgen@raklaw.com; [Trials](#) <Trials@USPTO.GOV>
Cc: [Stevens, Scott](#) <Scott.Stevens@alston.com>; [Welch, Matt](#) <Matt.Welch@alston.com>; [Riolo, Mary](#) <Mary.Riolo@alston.com>
Subject: RE: Order Violations in IPR2023-00680, IPR2023-00681, and IPR2023-00682

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Dear Honorable Board,

Below I've included one point of clarification as to Petitioner's request in bold. We appreciate your time and consideration.

Regards,
Karlee

==Revised Request==

Dear Honorable Board,

On February 9, 2024, Petitioner, Nokia of America Corporation, timely filed its Reply to Patent Owners' Response to Petitioner's Request for Director Review in IPR2023-000680, -681, and -682. With its filing, Petitioner filed Exhibit 1038. As a result of correspondence between the Parties, Petitioner respectfully requests that **Petitioner's Reply and** Exhibit 1038 be expunged from the record. Further, Petitioner respectfully requests permission to file an amended version of the February 9, 2024, Reply to Patent Owners' Response to Petitioner's Request for Director Review in IPR2023-000680, -681, and -682. The amended version will remove reference to Ex. 1038 on page 4 of Petitioner's Reply but will otherwise not change the substance of the Reply.

Petitioner has conferred with Patent Owners and understands that they do not oppose.

IPR2023-00681
Ex. 3102

Regards,
Karlee

Karlee N. Wroblewski
Senior Associate

ALSTON & BIRD

1120 South Tryon Street, Suite 300
Charlotte, NC 28203-6818
+1 704 444 1299 (O)
+1 715 808 4562 (M)
Karlee.Wroblewski@alston.com

From: Wroblewski, Karlee

Sent: Tuesday, February 13, 2024 12:30 PM

To: ptong@raklaw.com; Gunder, Stacy <Stacy.Gunder@alston.com>; ilee@raklaw.com; bwang@raklaw.com; aweiss@raklaw.com; pkroeger@raklaw.com; rak_nextgen@raklaw.com; Trials <Trials@USPTO.GOV>

Cc: Stevens, Scott <Scott.Stevens@alston.com>; Welch, Matt <Matt.Welch@alston.com>; Riolo, Mary <Mary.Riolo@alston.com>

Subject: RE: Order Violations in IPR2023-00680, IPR2023-00681, and IPR2023-00682

Dear Honorable Board,

On February 9, 2024, Petitioner, Nokia of America Corporation, timely filed its Reply to Patent Owners' Response to Petitioner's Request for Director Review in IPR2023-000680, -681, and -682. With its filing, Petitioner filed Exhibit 1038. As a result of correspondence between the Parties, Petitioner respectfully requests that Exhibit 1038 be expunged from the record. Further, Petitioner respectfully requests permission to file an amended version of the February 9, 2024, Reply to Patent Owners' Response to Petitioner's Request for Director Review in IPR2023-000680, -681, and -682. The amended version will remove reference to Ex. 1038 on page 4 of Petitioner's Reply but will otherwise not change the substance of the Reply.

Petitioner has conferred with Patent Owners and understands that they do not oppose.

Regards,
Karlee

Karlee N. Wroblewski
Senior Associate

ALSTON & BIRD

1120 South Tryon Street, Suite 300
Charlotte, NC 28203-6818
+1 704 444 1299 (O)
+1 715 808 4562 (M)
Karlee.Wroblewski@alston.com

From: ptong@raklaw.com <ptong@raklaw.com>

Sent: Tuesday, February 13, 2024 11:59 AM

To: Gunder, Stacy <Stacy.Gunder@alston.com>; ilee@raklaw.com; bwang@raklaw.com; aweiss@raklaw.com; pkroeger@raklaw.com; rak_nextgen@raklaw.com; Trials <Trials@USPTO.GOV>

Cc: Stevens, Scott <Scott.Stevens@alston.com>; Wroblewski, Karlee <Karlee.Wroblewski@alston.com>; Welch,

Matt <Matt.Welch@alston.com>; Riolo, Mary <Mary.Riolo@alston.com>

Subject: Re: Order Violations in IPR2023-00680, IPR2023-00681, and IPR2023-00682

EXTERNAL SENDER – Proceed with caution

Re-sending the email below:

RE: IPR2023-00680, IPR2023-00681, and IPR2023-00682
Immediate Relief Requested Re: Confidential Information

To the Honorable Board,

Late last Friday, Petitioner filed its Replies to Petitioners Request for Director Review (Paper 15) with Exhibit 1038. This filing violates both the Magistrate Judge Payne's Protective Order and Director Vidal's Order by submitting new, confidential evidence without seal. Thus, Patent Owners ask that it be immediately expunged.

Director Vidal ordered that "no new evidence is permitted" at the director review stage. Paper 13 at 2. Judge Payne's Protective Order states that RESTRICTED – ATTORNEYS' EYES ONLY documents are "limited to the individuals listed in paragraphs 5(a-b) and (d-h)," which does not include the public P-TACTS database. *NextGen Innovations, LLC v. Fujitsu Network Communications, Inc.*, No. 2:22-cv-00307 (lead case), ECF No. 77 ¶ 10 (E.D. Tex. Dec. 13, 2022).

Exhibit 1038 violates both of these orders. Exhibit 1038 violates Director Vidal's order because it is new evidence. Exhibit 1038 also violates Judge Payne's Protective Order because it includes "RESTRICTED – ATTORNEYS' EYES ONLY" deposition testimony from the underlying district court litigation. Page 5 of the Petitioner's Reply (Paper 15 at 5) similarly violates both Judge Payne's and Director Vidal's orders by citing to the confidential evidence and quoting the confidential transcript.

Petitioner did not file the confidential information under seal. Nor did Petitioner ask to de-designate the confidential testimony or seek leave from Director Vidal to submit new evidence.

Thus, Patent Owners ask that the filing of Paper 15 and exhibit 1038 be immediately expunged, with leave to re-file only pages 1-4 of Paper 15.

Peter Tong
Russ, August & Kabat
4925 Greenville Avenue, Suite 200 | Dallas, Texas 75206
Main +1 310 826 7474 | ptong@raklaw.com | www.raklaw.com

From: Gunder, Stacy <Stacy.Gunder@alston.com>
Date: Friday, February 9, 2024 at 6:33 PM
To: ptong@raklaw.com <ptong@raklaw.com>, ilee@raklaw.com <ilee@raklaw.com>, bwang@raklaw.com <bwang@raklaw.com>, aweiss@raklaw.com <aweiss@raklaw.com>, pkroeger@raklaw.com <pkroeger@raklaw.com>, rak_nextgen@raklaw.com <rak_nextgen@raklaw.com>
Cc: Stevens, Scott <Scott.Stevens@alston.com>, Wroblewski, Karlee <Karlee.Wroblewski@alston.com>, Welch, Matt <Matt.Welch@alston.com>, Riolo, Mary <Mary.Riolo@alston.com>
Subject: Nokia of America Corporation v. Alexander Soto, et al.; Nos. IPR2023-00680, -00681, & -00682 — Replies to PO's Responses to Request for Director Review (Papers 15)

Counsel,

Attached are Nokia's Replies to Patent Owner's Responses to Petitioner's Request for Director Review with accompanying Exhibits 1038, filed with the PTAB today in Case Nos. IPR2023-00680, IPR2023-00681, and IPR2023-00682.

Stacy Gunder

Paralegal

ALSTON & BIRD

2200 Ross Avenue, Suite 2300

Dallas, TX 75201

+1 214 922 3480 (O)

Stacy.Gunder@alston.com

NOTICE: This e-mail message and all attachments may contain legally privileged and confidential information intended solely for the use of the addressee. If you are not the intended recipient, you are hereby notified that you may not read, copy, distribute or otherwise use this message or its attachments. If you have received this message in error, please notify the sender by email and delete all copies of the message immediately.