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Subject: I- Google LLC v. DDC TECHNOLOGY, LLC Friday, June 30, 2023 9:44:37 AM
Date:

Counsel,

We note that Patent Owner did not file motions for discovery in IPR2023-00709, -00710, and -00711. Patent Owner's motions for discovery in IPR2023-00707 and -00708 include the following footnote: "Patent Owner's request for leave to file a motion to seek additional discovery remains pending in the latter three proceedings [referring to IPR2023-00709, -00710, and -00711] ." See, e.g., IPR2023-00709 , Paper 8, 1 n.1.

We also note that on the June 13, 2023 call to discuss the motions for discovery the Board stated:

"A motion for that additional discovery would need to be filed within two weeks of today's date. So by the end of the day on Tuesday, June 27th. If patent owner does file a motion for additional discovery, then petitioner will have two weeks to file an opposition to that motion. The -- there would be no reply authorized for that.

This ruling applies to all five of the proceedings. So that's IPR 2023[-]00707, 00708, 00709, 0070 -- 710 and 00711."

Ex. 1013 38:14-24 (emphasis added).

Accordingly, leave was previously granted to file motions for discovery in all five cases: IPR2023-00707, -00708, -00709, -00710, and 00711. Based on the footnote quoted above, it appears that Patent Owner misunderstood the Board's order, and in light of this apparent misunderstanding, we will allow Patent Owner to late file motions for discovery in IPR2023-00709, -00710, and -00711, if Patent Owner opts to do so. The motions for IPR2023-00709, -007010, and -00711 shall be substantially the same as those previously filed in IPR2023-00707, -00708; that is, no new arguments shall be presented. Patent Owner's motions in IPR2023-00709, -00710, and -00711 shall be filed by July 3, with Petitioner's oppositions due by July 11.

Thank you,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

IPR2023-00707, -00708, -00709,
-00710, -00711,
Ex. 3002