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Subject: RE: IPR2023-00726: Patent Owners' Proposed Motions
Date: Monday, October 16, 2023 10:27:39 PM

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Your Honors,

Further to my email earlier this evening, having consulted with Petitioner's counsel, this is to advise that we are both available for a conference call:

Wednesday between 11:30 and 1 p.m. or after 4 p.m. (all ET)

Thursday after 4 p.m. ET

Friday until 4 p.m. ET

Thank you.

Respectfully

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Sent: Monday, October 16, 2023 5:15 PM

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Subject: IPR2023-00726: Patent Owners' Proposed Motions

Your Honors,

Pursuant to section A(1) of the Board's Scheduling Order entered in IPR2023-00726 (Paper 11, Sept. 15, 2023), Patent Owners request an initial conference call with the Board to discuss proposed motions that may be filed in this case that are not authorized by the Order. We attach Patent Owners' list of proposed motions for discussion with the Board. Patent Owners' counsel has and continues to confer with Petitioner's counsel regarding the same, but as of now have yet to reach a compromise on any of the motions except as identified below.

The status of these matters are:

Motions 1.a. and 1.b. Petitioner has agreed to "produce this information to the extent it is in Petitioner's possession, custody, or control." Notwithstanding, as of today, Petitioner has not produced such information, has not stated whether it has such information in its possession custody, or control, and has not stated when such information will be produced.

The petitioner opposes motions 1.c and 2.

The petitioner states that Motion 3 is not necessary, however, due date 1 is in 50 days and the petitioner has not yet provided the identified information or offered deposition dates for its witnesses.

The petitioner states that it agrees to item 4 and that it is preparing a draft. Patent Owners anticipate reaching an agreement on Motion 4 without the Board's assistance.

Petitioner consents to Motion number 5 (pro hac vice motions) and such motions are forthcoming.

Patent owners seek an initial conference call regarding Motions 1-3.

Petitioner's counsel and Patent Owners' counsel are both available this week and will follow up with specific commonly available times.

Best regards,

Mark Ungerman

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