UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MOM Enterprises, LLC,
Petitioner,

v.

ELAINE AND REINHOLD W. VIETH,
Patent Owner,

_____

Case IPR 2023-00726
Patent 9,066,958

_____

PATENT OWNERS' NOTICE OF DEPOSITION OF

Stephanie Medina

1003 W CUTTING BLVD. SUITE 110

RICHMOND CA 94804

Pursuant to 37 C.F.R. § 42.53, Patent Owners, Elaine and Reinhold W. Vieth, by and through their counsel, will take the testimony by deposition of Stephanie Medina as follows:

Date/Time: January 31, 2024, starting at 9:00 am PST, or at such other time as the parties may agree. A list of the exhibits to be relied upon during the deposition and a general description of the scope and nature of the testimony to be elicited is specified in the Attachment hereto.

Location: By video conference.

The deposition will be taken by video conference before a court reporter, notary public, or other person authorized to administer oaths. The deposition will be recorded stenographic and/or by audio-visual means.

Dated: January 12, 2024.

Respectfully submitted,

/Mark E Ungerman/
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Counsel for Patent Owners

Case IPR 2023-00726

ATTACHMENT TO DEPOSITION NOTICE TO: Stephanie Medina

1. General description of the scope and nature of the testimony:

Secondary considerations based on objective evidence of non-obviousness.

Long-felt but unsolved needs;

Commercial success;

Copying;

Nature of Mommy's Bliss Baby Vitamin D Organic Drops, both MCT version and Sunflower oil version – design, composition, instructions for use, reasons for commercial success, reasons for sales, marketing, market share, motivation and decision making behind foregoing. Knowledge of Ddrops, its patents, its products, product ingredients, and instructions for the use of its products. Known challenges to the administration and dosing of vitamin D to infants and others. Competitive research and knowledge of competitive products and competitors.

2. Documents which may be introduced as exhibits:

MOM_0000008-10; MOM_0000601-620; MOM_0001369; MOM_0001463-1488; MOM_0001539-1589; MOM_0001620-1642; MOM_0001661-1686; MOM_0001729-1749; MOM_0001750-1793; MOM_0001808-1828; MOM_2007-2039; MOM_0002099-2156; MOM_0002250-2302; MOM_0002313-2370;

MOM_0002371-2418; MOM_0002480-2581; MOM_0004239-4243; MOM_0004311-43223; MOM_0004324-4380; MOM_004711; DDROPS-0022416-424; DDROPS-0022425-428; DDROPS-0022429-432.

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. § 42.6 that on January 12, 2024, PATENT OWNERS' NOTICE OF DEPOSITION OF Stephanie Medina is being served by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) and, as specified by Petitioner, upon the following, by ELECTRONIC MAIL:

David B. Conrad
Lance E. Wyatt
Sarika Patel
Casey Kraning
Fish and Richardson P.C.
To: IPR53953-0001IP1@fr.com

/Mark E Ungerman/
Mark E. Ungerman