
From: Sarika Patel [/O=FR/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C41998E197374F4286116AB30F0CB9AC-SARIKA N PATEL]
Sent: 8/3/2023 4:57:43 PM
To: Andrea Romero Pérez [Andrea.RomeroPerez@rws.com]
CC: Elizabeth Daw [Elizabeth.Daw@rws.com]; Andrea Turner [andrea.turner@rws.com]
Subject: RE: Fish & Richardson - IPR translation certification opportunity- Sherman
Attachments: 2023-08-03-Sherman Declaration of Accuracy of Translation.docx

Exhibit

14

Hi Andrea,

Attached, please find a redlined version of Mr. Sherman's declaration, which I believe addresses Mr. Sherman's concerns. If these revisions are acceptable to Mr. Sherman, could you please have him accept these changes and send us an executed version. Please let us know if Mr. Sherman proposes any additional comments or revisions.

Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Sent: Thursday, August 3, 2023 3:25 AM
To: Sarika Patel <patel@fr.com>
Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>; Andrea Turner <andrea.turner@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Dear Sarika,

Please see the following comments from Mr Sherman - *Paragraph 1 states that I confirm this is a true, accurate and complete translation, in addition to paragraph 4. Essentially I'm not in a position to sign anything beyond what I have signed already which is simply that the addition of "to be licked off" in the stated paragraph is correct. If a certification stating that this is a complete and accurate translation is needed, it will need to be reviewed, and signed, by someone else.*

We have highlighted the relevant passages in the attached certificate which will need to be amended. Please advise how you would like to proceed on this matter.

Thanks,
Andrea

Andrea Romero Pérez (she/her) | Deputy Manager - IP-Trans | **RWS Group**
RWS IP Services
Europa House, Chiltern Park, Chalfont St Peter, SL9 9FG, England
T: +44 (0)1753 480 200 www.rws.com
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From: Sarika Patel <patel@fr.com>
Sent: 02 August 2023 16:59
To: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>; Andrea Turner <andrea.turner@rws.com>
Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>
Subject: FW: Fish & Richardson - IPR translation certification opportunity

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Vieth Ex 2037 IPR2023-00726 1

Hi Andrea,

For clarification, in addition to this new translation prepared by Mr. Benyunes, we would also like Mr. Sherman to sign the original updated declaration (attached), which does not require him to perform a new translation. Please let us know if Mr. Sherman has any proposed edits to this attached document or when we can expect a signed version.

Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Sarika Patel

Sent: Wednesday, August 2, 2023 10:48 AM

To: 'Andrea Romero Pérez' <Andrea.RomeroPerez@rws.com>

Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>; Andrea Turner <andrea.turner@rws.com>

Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Andrea,

We would like to move forward with Mr. Benyunes performing this additional translation with one minor revision. Could he translate the entire paragraph in which the relevant sentence is located and not just the relevant sentence? Please let us know if there will be any changes in the cost to do so.

Thank you,

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>

Sent: Monday, July 31, 2023 4:05 AM

To: Sarika Patel <patel@fr.com>

Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>; Andrea Turner <andrea.turner@rws.com>

Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Sarika,

Please see below the needed information –

Name: Stephen Benyunes

Native English speaker: Yes

German qualification: MITI professional qualification in German-English translation with a specialisation in chemistry.

Work history: He has 26 years' experience as a translator, 23 of which as specialist in pharmaceutical. He has worked with RWS since 1996.

Let me know if you need anything further.

Kind regards,

Andrea

Andrea Romero Pérez (*she/her*) | Deputy Manager - IP-Trans | **RWS Group**

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From: Sarika Patel <patel@fr.com>
Sent: 28 July 2023 16:33
To: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>; Andrea Turner <andrea.turner@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Thank you Andrea,

Could you please provide us with the new translator's competency to provide the translation (e.g. native English speaker who studied German, years working as a translator and in what capacity, etc.)

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Sent: Friday, July 28, 2023 10:08 AM
To: Sarika Patel <patel@fr.com>
Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>; Andrea Turner <andrea.turner@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Sarika,

I can confirm that for us to provide you with a translation of the sentence in question* plus a signed declaration we would charge our minimum charge of **USD 160**.

*We believe this to be the sentence in question –

Die **Anwendung** ist einfach: Einmal täglich vor dem Stillen bzw. der Mahlzeit wird 1 Tropfen Vigantol® Öl vorne auf einem Löffel dem Baby zum Ablecken gegeben. Es darf nie direkt in

We could have this returned to you by close of business (UK time) 1st August as the translator would need to spend time looking at the context of the text and not just translating a sentence.

Additionally, I believe we may need a different declaration drawn up with the translator's correct details? Please let me know what information you need – please note we would not proceed with the request until the declaration has been drawn up and our translator has agreed to sign it.

Kind regards,
Andrea

Andrea Romero Pérez (*she/her*) | Deputy Manager - IP-Trans | **RWS Group**
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From: Sarika Patel <patel@fr.com>
Sent: 28 July 2023 12:39
To: Andrea Romero Pérez Andrea.RomeroPerez@rws.com
Cc: Elizabeth Daw Elizabeth.Daw@rws.com; Andrea Turner andrea.turner@rws.com
Subject: Re: Fish & Richardson - IPR translation certification opportunity

Hi Andrea,

Thank you. Could you also please let me know if it is possible for a new translator to translate only the sentence that Mr. Sherman looked at containing the phrase zum ablecken? If so, how much would it cost for a new translator to translate just that sentence and how long would it take to get a signed declaration?

Thank you,

Sarika

On Jul 28, 2023, at 5:21 AM, Andrea Romero Pérez <Andrea.RomeroPerez@rws.com> wrote:

Dear Sarika,

Thank you for your request. I can confirm the following price for an **English** translation of the attached German document:

Chapter 15.9 on pages 256-261 only (PDF pages 40-45)
Filing rate: USD 575

Filing rate: The order will be assigned to a translator with the appropriate technical background. A second linguist will conduct an independent, rigorous proofread. Translations are suitable for filing or legal purposes or if certification is required.

Please note that we will need to look into our resources for this request before confirming a turnaround due to the nature of the declarations the translator may be asked to sign.

By submitting an order to RWS Group, you signify acceptance of our published Terms & Conditions of Business. Copies are available on request or can be found on our website at www.rws.com. We look forward to receiving your instruction.

Kind regards,
Andrea

Andrea Romero Pérez (*she/her*) | Deputy Manager - IP-Trans | **RWS Group**
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From: Sarika Patel <patel@fr.com>
Sent: 27 July 2023 20:55
To: Andrea Turner <andrea.turner@rws.com>
Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>; Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Andrea,

How much would it cost to get another translation from a new translator?

Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Andrea Turner <andrea.turner@rws.com>
Sent: Wednesday, July 26, 2023 8:30 AM
To: Sarika Patel <patel@fr.com>
Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>; Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Dear Sarika,

I hope you are well. I have looped in my colleagues Liz and Andrea, who will support me in this matter going forward. Both are based in the UK and therefore an hour closer to your time zone than I am.

Regarding your questions below, David was Rebecca's supervisor in the past, and at the time of the first correspondence (2017) he was a Senior Translator. The reason David reviewed the original translation was that at the time, Rebecca was unavailable but the review could not wait. As Rebecca's supervisor and English native speaker, with qualifications in German, David had a phone call with Martina Tyreus Ilufnal and he was asked on the phone to review a certain passage as your colleagues believed RWS omitted some words from our translation. He subsequently signed the declaration.

David feels that due to his involvement he should not be re-translating the text. If you would like a new translation and certification, we will be happy provide one – but it would need to be done by an independent translator (not David or Rebecca) and reviewed by an independent revisor. Please note that additional costs will apply for this service.

Please let me know how you would like to proceed.

Kind regards,
Andrea

Andrea Turner (*she/her*) | Key Account Manager | **RWS Group**
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andrea.turner@rws.com | M: +44 (0)7795 537001 | www.rws.com
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From: Sarika Patel <patel@fr.com>
Sent: 25 July 2023 20:50
To: Andrea Turner <andrea.turner@rws.com>

Subject: RE: Fish & Richardson - IPR translation certification opportunity
Importance: High

Thank you Andrea. We would also like to know what David Sherman's relationship is to Amy Tinworth, the original translator. For example, was David Amy's supervisor at any time or a supervisor to her supervisor? Essentially, we would like to know why David reviewed Amy's original declaration and provided the correction relating to "licking" that he did to make her translation more accurate.

Please feel free to contact me if you have any questions or if you wish to discuss.

Thank you,

Sarika N Patel :: Fish & Richardson P.C. :: 817 374 2946

From: Andrea Turner <andrea.turner@rws.com>
Sent: Friday, July 21, 2023 8:53 AM
To: Sarika Patel <patel@fr.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Sarika,

Thank you for the additional clarification. We think David's original declaration covered the last part - which German words correspond to the word "lick" and why we have agreed a translation should be inserted. We would therefore suggest you send over a draft of the new declaration so we can escalate and check this internally. As detailed below, David is a native English speaker who studied German. He has a BSc (Hons) in German from Aston University and an HNC in Mechanical Engineering. He has been working actively as a patent translator from 2009 to 2019. David is now the UK Head of Translation Operations. He oversees and works closely with our translators and has a wide range of experience.

Kind regards,
Andrea

Andrea Turner (*she/her*) | Key Account Manager | **RWS Group**
RWS IP Services
Waldburgstraße 21, 70563 Stuttgart, Germany
andrea.turner@rws.com | M: +44 (0)7795 537001 | www.rws.com
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From: Sarika Patel <patel@fr.com>
Sent: 21 July 2023 00:32
To: Andrea Turner <andrea.turner@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Andrea,

I have received additional instruction on what we are looking for. Instead of the below, the team would like Mr. Sherman to sign an updated declaration discussing his qualifications for translating, attesting to the accuracy of Ms. Tinsworth's translation if it is accurate, and explaining why he added the reference

to "licking" to Ms. Tinsworth's translation. Basically, we want his declaration to clearly identify which German words correspond to the word "lick" in English and therefore make the inclusion of this word more accurate.

Please let me know if you have any questions. Happy to discuss this in more detail at any time tomorrow if needed.

Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Sarika Patel
Sent: Thursday, July 20, 2023 10:18 AM
To: 'Andrea Turner' <andrea.turner@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Andrea,

Instead of having David verify that the translation of Amy Tinsworth is correct, we would like him to prepare a separate full translation of the Harder reference section 15.9, similar to what Amy did but this time performed by David. Essentially, we want David to be the declarant for his own translation instead of him approving someone else's translation. Is that possible? Or is there somebody else who can provide a new declaration and translation? We want the person who provides the declaration and translation to be the same person.

Please feel free to contact me with any questions. 817-374-2946

Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Andrea Turner <andrea.turner@rws.com>
Sent: Thursday, July 20, 2023 9:57 AM
To: Sarika Patel <patel@fr.com>
Subject: Re: Fish & Richardson - IPR translation certification opportunity

Hi Sarina,

David is a native English speaker who studied German.

Could you clarify what you mean with a full translation of harder so I can clarify with David?

I'm about to go onto a plane so I won't be available again today.

Kind regards,
Andrea

Sent from my iPhone

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On 20 Jul 2023, at 14:37, Sarika Patel <patel@fr.com> wrote:

I am available to discuss at 10:30am or any time after 11:45am Central time if you would like to discuss our needs mentioned below.

Thank you!

Sarika

On Jul 20, 2023, at 8:02 AM, Sarika Patel <patel@fr.com> wrote:

Thank you Andrea,

I have a couple more questions before we can decide how to proceed. Is David a native English speaker who studied German? We need to establish his qualifications for both languages.

Also, if David is not translating anymore, will he be able to provide us with a full translation of harder and not just verify Amy's translation? We may need a new certified translation to fix these issues.

If you could please let me know as soon as possible, I would appreciate it.

Thank you!

Sarika

On Jul 20, 2023, at 4:13 AM, Andrea Turner <andrea.turner@rws.com> wrote:

Good morning Sarika,

I have spoken to David this morning, his qualifications are as follows:

BSc (Hons) in German from Aston University and an HNC in Mechanical Engineering. He has been working actively as a patent translator from 2009 to 2019 –when he signed the original declaration he was still translating actively.

David is now the UK Head of Translation Operations and does not translate anymore. He oversees and works closely with our translators and has a wide range of experience.

He would be able to check the linguistic accuracy of Becky's translation and he has already checked that the addition of the term "to be licked off" was required (as per point 3 on the certificate).

Please let me know how you would like to proceed.

Kind regards,
Andrea

Andrea Turner (*she/her*) | Key Account Manager | **RWS Group**
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From: Sarika Patel
Sent: Wednesday, July 19, 2023 10:00 AM
To: 'Andrea Turner' <andrea.turner@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Now works for me! could you please give me a call at 817-374-2946? Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Andrea Turner <andrea.turner@rws.com>
Sent: Wednesday, July 19, 2023 9:44 AM
To: Sarika Patel <patel@fr.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Dear Sarika,

I hope you are well. I am currently on business travel but available for a call on my mobile phone now, unless you can detail the issue in an email?

Kind regards,
Andrea

Andrea Turner (*she/her*) | Key Account Manager | **RWS Group**
RWS IP Services
Waldburgstraße 21, 70563 Stuttgart, Germany
andrea.turner@rws.com | M: +44 (0)7795 537001 |
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<image001.png>

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From: Sarika Patel <patel@fr.com>
Sent: 18 July 2023 21:40
To: Andrea Turner <andrea.turner@rws.com>
Subject: FW: Fish & Richardson - IPR translation certification opportunity
Importance: High

Hi Andrea,

We had some urgent issues come up with the declaration prepared by Mr. Sherman. Are you and Mr. Sherman available for a quick chat to discuss these issues today?

Thank you,

Sarika N Patel :: Fish & Richardson P.C. :: 214 292 4033

From: Sarika Patel
Sent: Wednesday, February 15, 2023 11:54 AM
To: 'Andrea Turner' <andrea.turner@rws.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

Hi Andrea,

Thank you for reaching out. The reference that we need a declaration of accuracy prepared for is Chapter 15.9 of Wochenbettbetreuung in der Klinik und zu Hause (Childbed care in clinic and at home). David Joshua Sherman at RWS prepared this declaration for us in the past, which I have attached to this email (see attachment at page 1). We were wondering if Mr. Sherman could prepare a similar declaration for us with an updated date and signature, and if so, if you could please provide us with a quote for this service.

Please feel free to contact me if you have any questions. I am available for a call at any time on Friday 2/16 between 9:00a.m. and 7:00p.m. Central Time.

Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 817 374 2946

From: Andrea Turner <andrea.turner@rws.com>
Sent: Wednesday, February 15, 2023 8:35 AM

To: Sarika Patel <patel@fr.com>
Subject: RE: Fish & Richardson - IPR translation certification opportunity

[This email originated outside of F&R.]

Dear Sarika,

Many thanks for your email and enquiry, which has been forwarded to me. My name is Andrea Turner and I am the Key Account Manager for Fish & Richardson at RWS IP Services. I have been working very closely with the Fish & Richardson office in Munich for the last few years.

Could I please ask, do you have a reference/invoice number of the book we translated in 2017, and would you also be able to send a copy of the exhibit that requires translation and certification now? We would also appreciate if you could confirm the required language combination for the exhibit and your preferred deadline.

I will be happy to join you in a call, I have good availability tomorrow and Monday. If you let you know a date and time that is convenient for you, I will be happy to send a MS Teams invitation.

Kind regards,
Andrea

Andrea Turner | Key Account Manager | **RWS Group**
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Waldburgstraße 21, Stuttgart, 70563, Germany
andrea.turner@rws.com | M: +44 (0)7795 537001 | [rws.com](https://www.rws.com)
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From: Sarika Patel <patel@fr.com>
Sent: 14 February 2023 17:21
To: David Sherman <David.Sherman@rws.com>
Subject: Fish & Richardson - IPR translation certification opportunity

Hi David,

I am an attorney at Fish & Richardson P.C.. I am reaching out regarding your availability to certify a translation of a German Book that you translated for us in a prior matter in 2017. We now need a similar certification prepared for an exhibit in an IPR matter.

Please let me know if you are interested and time to briefly speak later this week.

Thank you!

Sarika N Patel :: Fish & Richardson P.C. :: 214
292 4033

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<Harder Book Ch 15.pdf>

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Reinhold W. Vieth et al.
U.S. Patent No.: 9,066,958 Attorney Docket No. 53953-0001IP1
Issue Date: June 30, 2015
Appl. Serial No.: 11/674,234
Filing Date: February 13, 2007
Title: VITAMIN D COMPOSITIONS AND METHOD OF
ADMINISTRATION TO A HUMAN BEING

SUPPLEMENTAL DECLARATION OF ACCURACY OF TRANSLATION

I, David Joshua SHERMAN, hereby declare as follows:

1. Rebecca Amy TINWORTH performed the attached translation from German into English of Section 15.9 of “Wochenbettbetreuung in der Klinik und zu Hause” [Childbed care in clinics and at home] (MOM-1006). Ms. Tinworth attested to the accuracy of this translation. (*See* attached as Ex. A Ms. Tinworth’s declaration and translation).

2. When Ms. TINWORTH prepared her translation of Section 15.9 of “Wochenbettbetreuung in der Klinik und zu Hause” (Ex. A), I was her supervisor. In that capacity, I know Rebecca Amy TINWORTH to be competent to perform this translation because she has a Bachelor of Arts (Honors) degree in German studies.

3. I have reviewed portions of the translation prepared by Rebecca Amy TINWORTH in 2017, which I understand was submitted during the lawsuit *Ddrops, Inc. v. iHerb, Inc.*, No. 0:16-cv-04278 (D. Minn.). Except for one omission as I explain below, to the best of my knowledge, this is a true and accurate translation of

Section 15.9 of "Wochenbettbetreuung in der Klinik und zu Hause" (MOM-1006). Attached as Exhibit B are my minor revisions to Ms. TINWORTH's translation. I confirm that my addition of "to be licked off" as a translation for the German phrase "zum Ablecken" on page 4 of the translation in the fifth line of the second paragraph under Option 3 provides a fuller and more accurate reflection of the German text (MOM-1006). *See* Ex. B. This is because "zum Ablecken," which appears on page 21 of the German document (MOM-1006) translates directly to "for licking." The German word "ablecken" means "to lick off" in English.¹ Therefore, Ms. TINWORTH's English translation is true, full, and accurate with the inclusion of the phrase "to be licked off" as reflected in Exhibit B.

4. I am competent to attest to the accuracy of this translation, because I am a native English speaker and have a Bachelor's of Science degree in German from Aston University. I also have a Higher National Certificate in mechanical engineering. I have worked actively as a patent translator for ten years from 2009-2019. I am now the United Kingdom Head of Translation Operations at RWS IP Services, where I oversee and work closely with RWS's translators to confirm the accuracy of translations.

¹ CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/dictionary/german-english/ablecken> (last visited Jul. 25, 2023) (webpage attached as Ex. C).

5. I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct; and further declare that I am aware that willful false statements and the like so made are punishable by fine or imprisonment, or both.

Dated: August 3, 2023

David Sherman
Head of Translation Operations
For and on behalf of RWS Group Ltd.
Europa House, Chiltern Park,
Chiltern Hill, Chalfont St. Peter,
Buckinghamshire,
United Kingdom

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that Patent Owners Exhibits 2023-2066 are being served on February 8, 2024, by filing Patent Owners Exhibits 2023-2066 through the Patent Trial and Appeal Case Tracking System (P-TACTS) and by electronic mail as directed by Petitioner upon the following counsel of record for Petitioners:

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