

From: Andrea Romero Pérez [Andrea.RomeroPerez@rws.com]
Sent: 11/2/2023 10:35:05 AM
To: Sarika Patel [patel@fr.com]
Subject: RE: [MOM IPR]- Supplemental Sherman declaration
Attachments: 2023-10-30-Sherman Declaration of Accuracy of Translation.docx

Exhibit

15

Dear Sarika,

Thank you for your email. Please find attached Mr Sherman's proposed revision.

I'd like to reiterate that if you would like the document to say "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" we would require another translator to conduct a full review of the translation.

We look forward to your comments.

Kind regards,
Andrea

Andrea Romero Pérez (*she/her*) | **Manager - IP-Trans** | **RWS Group**
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From: Sarika Patel <patel@fr.com>
Sent: 01 November 2023 08:49
To: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Subject: RE: [MOM IPR]- Supplemental Sherman declaration

Thank you Andrea. Could you please ask Mr. Sherman to make the proposed revisions he is suggesting in redline in the declaration we sent over? We would like to submit a supplemental declaration from him that he is comfortable signing off on.

Thank you,

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

From: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Sent: Wednesday, November 1, 2023 3:40 AM
To: Sarika Patel <patel@fr.com>
Subject: RE: [MOM IPR]- Supplemental Sherman declaration

MOM_0006593

Vieth Ex 2038 IPR2023-00726 1

[This email originated outside of F&R.]

Hi Sarika,

Thank you for your email, I was waiting for David to reply with his comments on the declaration – he has said the following:

In August, I said the following:

"I don't like paragraphs 3 and 4. For me to be happy to sign, all references to accuracy of the translation have to be for that sentence only. It is still saying "except for one omission...this is a true and accurate translation of section 15.9", even though it says "I have reviewed portions of..." I reviewed one sentence, and can only attest to the accuracy of that sentence. The end of that paragraph repeats "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."

I cannot attest to that, as I have reviewed one sentence only. I believe that, if they want this certificate as is, they will need to task another translator at RWS with a full review."

I think this still stands – section 3 has not been changed as far as I can tell.

Please do let us know if you would like us to proceed with the full review by another translator as he suggests.

Kind regards,
Andrea

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From: Sarika Patel <patel@fr.com>
Sent: 01 November 2023 05:54
To: Andrea Romero Pérez <Andrea.RomeroPerez@rws.com>
Cc: Elizabeth Daw <Elizabeth.Daw@rws.com>
Subject: RE: [MOM IPR]- Supplemental Sherman declaration
Importance: High

Hi Andrea,

I wanted to follow up on my email below. Could you please provide an update on the status of Mr. Sherman's review of this declaration?

Thank you,

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

From: Sarika Patel
Sent: Monday, October 30, 2023 1:58 PM
To: 'Andrea Romero Pérez' <Andrea.RomeroPerez@rws.com>

MOM_0006594

Vieth Ex 2038 IPR2023-00726 2

Cc: Andrea Turner <andrea.turner@rws.com>; 'Elizabeth Daw' <Elizabeth.Daw@rws.com>
Subject: [MOM IPR]- Supplemental Sherman declaration

Hi Andrea,

The Board may allow us to submit a supplemental declaration for Mr. David Sherman. Could you please ask him to review the attached declaration/exhibits as soon as possible, and if they look okay, to send us an executed copy of the attached declaration? Please let us know if Mr. Sherman believes any revisions are necessary.

Thank you,

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

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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 one sentence 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.). Attached as Exhibit B are minor revisions to Ms. TINWORTH’s translation. I confirm that the 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

4. I am competent to attest to the accuracy of this sentence, because I am a native English speaker and have a Bachelor 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 IP Services’ translators to confirm the accuracy of translations.

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: October __, 2023

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

David Sherman
UK 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:

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
(Reg. No. 32,070)