

From: [Scott E. Kamholz](#)
To: [Trials](#)
Cc: ["Ferraro, Vincent M."](#); ["Zinna, Michael"](#); jen@fusionorthopedics.com; corby@vowelllawfirm.com; ["Ross Culpepper"](#); sam@fusionorthopedics.com
Subject: IPR2023-00894 Fusion Ortho., LLC v. Extremity Med., LLC // request for leave to file 3D model and video files
Date: Friday, April 26, 2024 1:47:08 PM

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To the Board:

Petitioner Fusion Orthopedics, LLC in case IPR2023-00894 requests leave to file computer files containing 3D models and/or video animation as exhibits in support of its Opposition due Friday May 3, 2024 to Patent Owner Extremity Medical, LLC's Motion to Amend. The purpose is to demonstrate, more clearly than achievable with still views, certain ambiguities in Figures 9 and 18, which Patent Owner relies upon to show written description support.

The parties have conferred, and Patent Owner indicates that it will "oppose the submission of computer files and/or animation files allegedly relating to 3D models of Figures 9 and 18 of the '166 Patent on the grounds that such models are (1) irrelevant under FRE 401/402; unfairly prejudicial, confusing, misleading, and a waste of time under FRE 403; and unauthenticated under FRE 901."

Petitioner's counsel is available any time in the coming week for a call with the Board. Patent Owner's counsel indicates that it is available for a call on Wed. 5/1 at 2-4 pm ET.

Respectfully submitted,

/Scott E. Kamholz/

Scott E. Kamholz, Reg. No. 48,543
Backup Counsel for Petitioner

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Scott E. Kamholz, M.D., Ph.D.

Registered Patent Attorney

ToolPat PLLC

mobile (617) 678-0222

sek@toolpat.com · [LinkedIn](#) · [ToolPat](#)