

From: [Scott E. Kamholz](#)
To: [Trials](#)
Cc: ["Zinna, Michael"; "Ferraro, Vincent M."; "Jennifer Brinkerhoff"; "Corby Vowell"; "Ross Culpepper"; "Sam Rocereta"](#)
Subject: RE: IPR2023-00894 Fusion Orthopedics, LLC v. Extremity Medical, LLC -- Patent Owner's Opposed Request to Extend Due Date 3
Date: Tuesday, May 28, 2024 6:11:46 PM
Attachments: [IPR2023-00894 - PO's Deposition Notice - Dominguez.pdf](#)
[IPR2023-00894 - PO's Deposition Notice - Jacobson.pdf](#)
[IPR2023-00894 - PO's Deposition Notice - Kamholz.pdf](#)

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To the Board,

Petitioner Fusion Orthopedics, LLC, requests leave from the Board to file a motion to strike the three notices of deposition filed today by Patent Owner Extremity Medical, LLC in this proceeding. Copies of those notices are attached. Patent Owner's counsel has refused to withdraw the notices.

Petitioner objects to these notices because Patent Owner unilaterally selected a time and place for taking testimony in each deposition without conferring with Petitioner, as required by 37 CFR 42.53(d)(1), and because the depositions will not be completed before the deadline for their completion, as required by 37 CFR 42.53(d)(2). Additionally, I am not available to defend or sit for a deposition on the days Patent Owner selected due to personal commitments (my wife is a physician and is on call June 11, so I have unavoidable child care responsibilities; two of our children are graduating on June 12 and 13, respectively; and we have an extended family gathering celebrating them through June 14).

As Patent Owner's conduct in this regard is wound up with its request below to extend Due Date 3, Petitioner suggests that both matters be addressed in the conference call Patent Owner has requested.

Respectfully submitted,

/Scott Kamholz/

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

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From: Ferraro, Vincent M. <VFerraro@KelleyDrye.com>

Sent: Tuesday, May 28, 2024 4:12 PM

To: [Trials@uspto.gov](#)

Cc: Zinna, Michael <MZinna@KelleyDrye.com>; Scott E. Kamholz <sek@toolpat.com>; 'Jennifer Brinkerhoff' <jen@fusionorthopedics.com>; 'Corby Vowell' <corby@vowelllawfirm.com>; 'Ross Culpepper' <ross@allianceip.com>; 'Sam Rocereta' <sam@fusionorthopedics.com>

Subject: IPR2023-00894 Fusion Orthopedics, LLC v. Extremity Medical, LLC -- Patent Owner's Opposed Request to Extend Due Date 3

Dear Honorable Board:

Patent Owner Extremity Medical, LLC in case IPR2023-00894 respectfully requests the Board to extend Due Date 3 (Patent Owner's sur-reply to Petitioner's reply to the response to the Petition, and Patent Owner's reply to Petitioner's opposition to Patent Owner's motion to amend (or Patent Owner's revised motion to amend)) by two weeks from June 13, 2024 to June 27, 2024. Patent Owner requests this extension so that it has sufficient time to fully review the unusually extensive amount of new material Petitioner filed with its reply to the response to the Petition and its opposition to Patent Owner's motion to amend – over 30 new exhibits, including 3 new declarations – as well as in light of Patent Owner's counsels' scheduling conflicts.

The parties have conferred, and Petitioner has indicated that it opposes Patent Owner's request.

The parties are available any time this week for a call with the Board.

We thank the Board for its consideration of Patent Owner's request.

Respectfully submitted,

/Vincent M. Ferraro/

Vincent M. Ferraro, Reg. No. 79,197

Lead Counsel for Patent Owner

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