

From: [Philip J. Ekle](#)
To: [Trials](#)
Cc: [#Meta_VideoLabs](#); [RJ_VideoLabs-Facebook](#); jbush@fenwick.com; [Baker, W. Todd](#)
Subject: RE: IPR2023-00923 and IPR2023-00924 (Meta v. VL Collective IP)
Date: Thursday, January 30, 2025 11:28:42 AM

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Dear Honorable Board,

Patent Owner does not oppose Petitioners' request for email nos. 7, 11, and 15 because they are communications between the parties and the Board. 5 U.S.C. §706; Fed. R. App. P. 16(a)(3). Patent Owner opposes as to all of Petitioners' other emails (*i.e.*, nos. 1-6, 8-10, and 12-14) because they are emails between the parties (not with the Board) and thus are outside the scope of the record defined by Fed. R. App. P. 16(a).

Petitioners' characterization of the parties' interactions prior to emailing the Board is incomplete and inaccurate. But in all events, the Board now has the parties' requests and positions, and the parties can be available to discuss them with the Board at the times set forth in Petitioners' email.

Regards,

Philip Ekle
Counsel for Patent Owner

Philip J. Ekle | 202.894.7451 | REICHMAN JORGENSEN LEHMAN & FELDBERG LLP

From: Baker, W. Todd <todd.baker@kirkland.com>
Sent: Wednesday, January 29, 2025 9:17 PM
To: Trials <Trials@uspto.gov>
Cc: #Meta_VideoLabs <Meta_VideoLabs@kirkland.com>; RJ_VideoLabs-Facebook <RJ_VideoLabs-Facebook@reichmanjorgensen.com>; jbush@fenwick.com; Philip J. Ekle <peklem@reichmanjorgensen.com>
Subject: Re: IPR2023-00923 and IPR2023-00924 (Meta v. VL Collective IP)

CAUTION: EXTERNAL SENDER

Dear Honorable Board,

IPR2023-00923, -00924
Ex. 3002

Patent Owner did not confer with Petitioner regarding Patent Owner's request, but Petitioner does not oppose Patent Owner's request provided that, for sake of completeness, the following additional correspondence (all of which is attached) is also entered as exhibits in IPR2023-00924:

1. Email (including thread) from Philip J. Eklem (counsel for Patent Owner), on March 8, 2024 at 3:01 pm Pacific time, subject line "RE: [Meta v. VL Collective] IPR2023-00924 Follow up re Paper 25"
2. Email (including thread) from Jennifer Bush (counsel for Petitioner), on April 26, 2024 at 12:32 pm Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
3. Email (including thread) from Jennifer Bush (counsel for Petitioner), on May 23, 2024 at 9:18 am Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
4. Email (including thread) from Jennifer Bush (counsel for Petitioner), on May 28, 2024 at 8:50 am Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
5. Email (including thread) from Jennifer Bush (counsel for Petitioner), on May 28, 2024 at 8:54 pm Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
6. Email (including thread) from Jennifer Bush (counsel for Petitioner), on June 1, 2024 at 6:11 pm Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
7. Email (including thread) from Jennifer Bush (counsel for petitioner), on June 1, 2024 at 7:11 pm Pacific time, subject line "IPR2023-00924 – Conference Call Request"
8. Email (including thread) from Jennifer Bush (counsel for Petitioner), on June 2, 2024 at 11:30 am Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
9. Email (including thread) from Jennifer Bush (counsel for Petitioner), on June 24, 2024 at 10:00 am Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
10. Email (including thread) from Jonathan D. Brit (counsel for Petitioner), on July 2, 2024 at 10:14 am Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"
11. Email (including thread) from Jennifer Bush (counsel for Petitioner), on July 2, 2024 at 12:14 pm Pacific time, subject line "RE: IPR2023-00924 – Conference Call Request"
12. Email (including thread) from Jennifer Bush (counsel for Petitioner), on July 10,

2024 at 11:44 am Pacific time, subject line "RE: IPR2023-00924 (Meta v. VL Collective) Third Party Discovery"

13. Email (including two subpoena applications attached thereto) from Cameron Clark, on April 9, 2024 at 10:49 am Pacific time, subject line "In re Application of META PLATFORMS, INC., INSTRAGRAM, INC., WHATSAPP LLC, META PLATFORMS TECHNOLOGIES, LLC and GIPHY, INC."

14. Email (including ex parte application attached thereto) from Vicki Merideth, on April 10, 2024 at 2:19 pm Pacific time, subject line "Case 3:24-mc-80086-TSH – Meta Platforms Inc., et al v. VL Collective IP LLC"

And further provided that the following additional correspondence (also attached) is entered as an exhibit in IPR2023-00923:

15. Email from Philip Eklem (counsel for Patent Owner), on June 27, 2024 at 5:56 am Pacific time, subject line "IPR2023-00923 (Meta Platforms, Inc. v. VL Collective IP LLC)"

Petitioner conferred with Patent Owner regarding Petitioner's request and Patent Owner does not oppose as to numbers 7, 11, and 15 above but does oppose as to all other emails listed above.

If necessary, Petitioner and Patent Owner are available for a call on January 30 before 12:00 pm Eastern time or on January 31 or after 3:00 pm Eastern time.

Regards,

Todd Baker
Counsel for Petitioner

On Jan 29, 2025, at 6:41 AM, Philip J. Eklem
<peklem@reichmanjorgensen.com> wrote:

Dear Honorable Board,

Patent Owner requests that the Board enter certain correspondence between the Board and the parties as exhibits to the record in IPR2023-00923 and IPR2023-00924. Specifically, Patent Owner requests that the Board enter the following correspondence (see attached) as exhibits in the respective proceedings:

IPR2023-00923:

1. Email from trials@uspto.gov (signed by Esther Goldschlager) on September 27, 2023 at 9:58 am ET, including chain of correspondence, with subject line "RE: Meta v. VideoLabs,

IPR2023-00923.”

2. Email from trials@uspto.gov (signed by Esther Goldschlager) on September 28, 2023 at 3:13 pm ET, including chain of correspondence, with subject line “RE: [Meta v. VL Collective IP] IPR2023-00923.”
3. Email from trials@uspto.gov (signed by Esther Goldschlager) on October 18, 2023 at 3:39 pm ET, including chain of correspondence, with subject line “RE: Meta v. VideoLabs, IPR2023-00923.”
4. Email from trials@uspto.gov (signed by Esther Goldschlager) on January 4, 2024 at 10:25 am ET, including chain of correspondence, with subject line “RE: IPR2023-00923 (682 Patent) and IPR2023-00924 (980 Patent).”
5. Email from trials@uspto.gov (signed by Esther Goldschlager) on March 18, 2024 at 1:20 pm ET, including chain of correspondence, with subject line “RE: IPR2023-00923 (682 Patent) and IPR2023-00924 (980 Patent).”

IPR2023-00924:

1. Email from trials@uspto.gov (signed by Esther Goldschlager) on January 4, 2024 at 10:25 am ET, including chain of correspondence, with subject line “RE: IPR2023-00923 (682 Patent) and IPR2023-00924 (980 Patent).”
2. Email from trials@uspto.gov (signed by Esther Goldschlager) on January 8, 2024 at 4:05 pm ET, including chain of correspondence, with subject line “RE: IPR2023-00924, Meta Platforms v. VL Collective IP.”
3. Email from trials@uspto.gov (signed by Esther Goldschlager) on March 18, 2024 at 1:20 pm ET, including chain of correspondence, with subject line “RE: IPR2023-00923 (682 Patent) and IPR2023-00924 (980 Patent).”
4. Email from trials@uspto.gov (signed by Esther Goldschlager) on June 10, 2024 at 4:04 pm ET, including chain of correspondence, with subject line “RE: IPR2023-00924 - Conference Call Request.”
5. Email from trials@uspto.gov (signed by Esther Goldschlager) on July 1, 2024 at 9:57 am ET, including chain of correspondence, with subject line “RE: IPR2023-00924 (Meta Platforms, Inc. v. VL Collective IP LLC) - Conference call

today - July 1st.”

6. Email from trials@uspto.gov (signed by Esther Goldschlager) on August 27, 2024 at 3:37 pm ET, including chain of correspondence, with subject line “RE: IPR2023-00924 (Meta Platforms, Inc. v. VL Collective IP LLC) // Replacement of EX2008.”

The Board has broad authority to grant this request. *See* 37 C.F.R. §§ 42.6(c), 42.5(a). The requested relief is warranted because it is in the interest of justice to allow for a more complete record on appeal. *See* 5 U.S.C. §706 (requiring judicial review to be based on “the whole record”); Fed. R. App. P. 16(a)(3) (defining the record on review of an agency order to include, among other things, “the pleadings, evidence, and other parts of the proceedings before the agency”). It is also in furtherance of the public availability goals of 37 C.F.R. § 42.14.

Counsel for all parties are copied on this email.

With best regards,

Philip Eklem
(Counsel for Patent Owner)

Philip J. Eklem
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