

From: [Jennifer Bush](#)
To: [Trials](#)
Cc: [Turner, Ellisen Shelton](#); [Brit, Jonathan D.](#); [JBush PTAB](#); [peklem@reichmanjorgensen.com](#); [mmatulewicz-crowley@reichmanjorgensen.com](#); [Baker, W. Todd](#); [clehman@reichmanjorgensen.com](#); [RJ_VideoLabs-Facebook@reichmanjorgensen.com](#); [#Meta_VideoLabs](#)
Subject: RE: IPR2023-00924 - Conference Call Request
Date: Tuesday, July 2, 2024 4:14:43 PM

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Trials –

Petitioner filed the motion to enter a protective order per the below last week, on 6/25. We are writing to inquire as to the status of action on that motion.

The protective order pertains to documents from a third party, and the third party will not release the documents without entry of the protective order. We are hoping to obtain the documents ASAP, so that we can review them, timely produce them to Patent Owner's counsel, and file them as an exhibit, if warranted.

Thank you,
Jennifer Bush, Reg. No. 50,784
Counsel for Petitioner

Jennifer Bush (she/her)

Fenwick | Associate | +1 650-335-7213 | jbush@fenwick.com

From: Trials <Trials@USPTO.GOV>
Sent: Monday, June 10, 2024 1:04 PM
To: Jennifer Bush <jbush@fenwick.com>; Trials <Trials@USPTO.GOV>
Cc: Turner, Ellisen Shelton <ellisen.turner@kirkland.com>; Brit, Jonathan D. <jonathan.brit@kirkland.com>; JBush PTAB <jbush-ptab@fenwick.com>; peklem@reichmanjorgensen.com; mmatulewicz-crowley@reichmanjorgensen.com; Baker, W. Todd <todd.baker@kirkland.com>; clehman@reichmanjorgensen.com; RJ_VideoLabs-Facebook@reichmanjorgensen.com; [#Meta_VideoLabs <Meta_VideoLabs@kirkland.com>](mailto:#Meta_VideoLabs@kirkland.com)
Subject: RE: IPR2023-00924 - Conference Call Request

**** EXTERNAL EMAIL ****

Counsel,

From the Board –

Petitioner's request to file a motion to enter a protective order is granted. The parties are reminded that:

IPR2023-00924
Ex. 3004

The Board encourages the parties to adopt the Board's default protective order if they conclude that a protective order is necessary. See Practice Guide, App'x B (Default Protective Order). If the parties choose to propose a protective order deviating from the default protective order, they must submit the proposed protective order jointly along with a marked-up comparison of the proposed and default protective orders showing the differences between the two and explain why good cause exists to deviate from the default protective order.

Office Trial Practice Guide, App'x A-1, at 91 (Nov. 2019).

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Jennifer Bush <jbush@fenwick.com>
Sent: Wednesday, June 5, 2024 1:51 PM
To: Trials <Trials@USPTO.GOV>
Cc: Turner, Ellisen Shelton <ellisen.turner@kirkland.com>; Brit, Jonathan D. <jonathan.brit@kirkland.com>; JBush PTAB <jbush-ptab@fenwick.com>; peklem@reichmanjorgensen.com; mmatulewicz-crowley@reichmanjorgensen.com; Baker, W. Todd <todd.baker@kirkland.com>; clehman@reichmanjorgensen.com; [RJ_VideoLabs-Facebook@reichmanjorgensen.com](https://www.facebook.com/reichmanjorgensen.com); #Meta_VideoLabs <Meta_VideoLabs@kirkland.com>
Subject: RE: IPR2023-00924 - Conference Call Request

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Trials –

Following up on the request below, Petitioners conferred with Patent Owner and provided the proposed protective orders; Patent Owner has indicated that it does not object to Petitioner's request.

Thank you,
Jennifer Bush, Reg. No. 50,784
Counsel for Petitioner

Jennifer Bush (she/her)

Fenwick | Associate | +1 650-335-7213 | jbush@fenwick.com

From: Trials <Trials@USPTO.GOV>

Sent: Monday, June 3, 2024 6:59 AM

To: Jennifer Bush <jbush@fenwick.com>; Trials <Trials@USPTO.GOV>

Cc: Turner, Ellisen Shelton <ellisen.turner@kirkland.com>; Brit, Jonathan D. <jonathan.brit@kirkland.com>; JBush PTAB <jbush-ptab@fenwick.com>; peklem@reichmanjorgensen.com; mmatulewicz-crowley@reichmanjorgensen.com; Baker, W. Todd <todd.baker@kirkland.com>; clehman@reichmanjorgensen.com

Subject: RE: IPR2023-00924 - Conference Call Request

**** EXTERNAL EMAIL ****

Counsel,

The parties are requested to meet and confer about agreeing on a protective order before requesting a conference call with the Board.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Jennifer Bush <jbush@fenwick.com>

Sent: Saturday, June 1, 2024 10:11 PM

To: Trials <Trials@USPTO.GOV>

Cc: Turner, Ellisen Shelton <ellisen.turner@kirkland.com>; Brit, Jonathan D. <jonathan.brit@kirkland.com>; JBush PTAB <jbush-ptab@fenwick.com>; peklem@reichmanjorgensen.com; mmatulewicz-crowley@reichmanjorgensen.com; Baker, W. Todd <todd.baker@kirkland.com>; clehman@reichmanjorgensen.com

Subject: IPR2023-00924 - Conference Call Request

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Board –

Petitioners write to request guidance and permission to file a protective order in this case.

The Board issued an Order Granting Petitioner's Motion under 37 C.F.R. § 42.52(a) to Apply for Subpoena under 35 U.S.C. § 24 for several individuals on February 22, 2024. Paper 25. As a result of the subpoena of Dorin Comaniciu, certain documents were identified. Mr. Comaniciu's counsel requested that a protective order be put in place prior to providing Petitioners' counsel with those documents, as they contain confidential, non-public information.

Petitioners have set up a protective order in this case following the PTAB's default model. Petitioners request permission to file a motion to enter the protective order.

Petitioners also requests guidance from the Board since typically a motion to enter a protective order would be filed along with a motion to seal a particular exhibit, with the exhibit being filed as well. However, since Petitioners have not yet seen the documents in Mr. Comaniciu's possession, Petitioners do not yet know if the documents will be filed as an exhibit in this case or not. As a result, Petitioners request permission to file only a motion to enter the protective order.

Petitioners conferred with Patent Owner and Patent Owner has stated they cannot provide a position without seeing the protective order.

The parties can make themselves jointly available for a conference call if the Board deems it necessary.

Thank you,
Jennifer Bush, Reg. No. 50,784
Counsel for Petitioner

Jennifer Bush (she/her)

Fenwick | Associate | +1 650-335-7213 | jbush@fenwick.com

From: Trials <Trials@USPTO.GOV>

Sent: Tuesday, February 13, 2024 7:17 AM

To: Baker, W. Todd <todd.baker@kirkland.com>; Trials <Trials@USPTO.GOV>;
clehman@reichmanjorgensen.com

Cc: Turner, Ellisen Shelton <ellisen.turner@kirkland.com>; Brit, Jonathan D.
<jonathan.brit@kirkland.com>; JBush PTAB <jbush-ptab@fenwick.com>;
peklem@reichmanjorgensen.com; mmatulewicz-crowley@reichmanjorgensen.com

Subject: RE: IPR2023-00924 - Conference Call Request

**** EXTERNAL EMAIL ****

Counsel,

A conference call is scheduled with the Board on **Tuesday, February 20th at noon Eastern Time.**
The dial-in number is: 866-919-8442 and the passcode is: 9446155#.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Baker, W. Todd <todd.baker@kirkland.com>

Sent: Monday, February 12, 2024 3:38 PM

To: Trials <Trials@USPTO.GOV>; clehman@reichmanjorgensen.com
Cc: Turner, Ellisen Shelton <ellisen.turner@kirkland.com>; Brit, Jonathan D.
<jonathan.brit@kirkland.com>; JBush PTAB <jbush-ptab@fenwick.com>;
peklem@reichmanjorgensen.com; mmatulewicz-crowley@reichmanjorgensen.com
Subject: RE: IPR2023-00924 - Conference Call Request

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Dear Ms. Goldschlager,

Petitioners and Patent Owner have conferred and jointly and respectfully request to hold the conference call with the Board on Tuesday, February 20 anytime between noon and 4:00 pm ET. Due to expert depositions occurring in this and a related matter this week, lead counsel for both Petitioners and Patent Owners have conflicts with the proposed times. Please advise if this proposal may be acceptable to the Board.

Thank you,

Todd Baker
Counsel for Petitioners

KIRKLAND & ELLIS LLP
1301 Pennsylvania Ave., N.W., Washington, D.C. 20004
T +1 202 389 3135 **M** +1 443 622 8802
F +1 202 389 5200

todd.baker@kirkland.com

From: Trials <Trials@USPTO.GOV>
Sent: Monday, February 12, 2024 10:08 AM
To: Baker, W. Todd <todd.baker@kirkland.com>; clehman@reichmanjorgensen.com
Cc: Turner, Ellisen Shelton <ellisen.turner@kirkland.com>; Brit, Jonathan D.
<jonathan.brit@kirkland.com>; JBush PTAB <jbush-ptab@fenwick.com>;
peklem@reichmanjorgensen.com; mmatulewicz-crowley@reichmanjorgensen.com; Trials
<Trials@USPTO.GOV>
Subject: IPR2023-00924 - Conference Call Request

Counsel,

The Board would like to have a conference call with the parties about the motion to compel discovery. The Board is available for the call Tuesday, February 13 between 3pm and 5pm ET, Wednesday, February 14 between noon and 1:30pm ET, and Thursday, February 15 between 11am and 12:30pm and also between 4pm and 5pm ET. Please confer and jointly submit a time when the parties are available.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

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