From: Robinson, Erick <erobinson@spencerfane.com>
Sent: Friday, July 12, 2024 2:05 AM
To: Arjomand, Mehran <MArjomand@mofo.com>; Trials <Trials@USPTO.GOV>
Cc: patdunn64@gmail.com; Dunn, Patrick <pdunn@spencerfane.com>; mbrockhaus@dunlapcodding.com; Allee, J. Lori <JAllee@spencerfane.com>; dsorocco@dunlapcodding.com; Yap, Alex S. <AYap@mofo.com>; Blumenkopf, Bryan <BBlumen@mofo.com>; Sony-Quantum-IPR <Sony-Quantum-IPR@mofo.com>; Tuttle, Kevin <ktuttle@spencerfane.com>; Rafatijo, Homayoon <hrafatijo@spencerfane.com>; Quantumimaging <quantumimaging@spencerfane.com>; robinson.erick <robinson.erick@gmail.com>
Subject: Re: IPR2023-00954: Patent Owner's Request for Permission to File Rebuttal Evidence with Sur-Reply

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Dear Honorable Board:

Petitioner did not contact or otherwise meet and confer before sending the email below. Rather than argue via email as Petitioner does below, Patent Owner merely stands on its request to file the sur-reply it intended to. If Petitioner wishes to strike some portion, then it can attempt to do so at a later time. However, Petitioner delayed providing any clear response to whether it opposed PO filing the correct brief. This is the only issue before the Board at this time.

Thank you for your consideration.

Sincerely,
Erick Robinson

Erick Robinson Partner
Co-Chair, Intellectual Property
Spencer Fane LLP
Mobile:713.498.6047
[***Sent via mobile: please excuse typos***]

From: Arjomand, Mehran <MArjomand@mofo.com>
Sent: Friday, July 12, 2024 12:55:49 AM
To: Trials <Trials@USPTO.GOV>
Cc: patdunn64@gmail.com <patdunn64@gmail.com>; Dunn, Patrick <pdunn@spencerfane.com>; mbrockhaus@dunlapcodding.com <mbrockhaus@dunlapcodding.com>; Allee, J. Lori <JAllee@spencerfane.com>; dsorocco@dunlapcodding.com <dsorocco@dunlapcodding.com>; Yap, Alex S. <AYap@mofo.com>; Blumenkopf, Bryan <BBlumen@mofo.com>; Sony-Quantum-IPR <Sony-Quantum-IPR@mofo.com>; Tuttle, Kevin <ktuttle@spencerfane.com>; Rafatijo, Homayoon <hrafatijo@spencerfane.com>; Quantumimaging <quantumimaging@spencerfane.com>; robinson.erick <robinson.erick@gmail.com>; Robinson, Erick <erobinson@spencerfane.com>
Subject: [EXTERNAL] RE: IPR2023-00954: Patent Owner's Request for Permission to File Rebuttal Evidence with Sur-Reply

[Warning] This E-mail came from an External sender. Please do not open links or attachments unless you are sure it is trusted.

Dear Honorable Board,

Patent Owner's email below does not properly characterize Petitioner's position. Petitioner does not oppose Patent Owner's request to expunge Ex. 2015 and all references to Ex. 2015 in its sur-reply. It also does not oppose Patent Owner filing a corrected sur-reply removing the improper content. But Patent Owner has insisted on replacing the expunged content in the sur-reply with a lengthy footnote making reference to Ex. 2015. In addition, after Petitioner notified Patent Owner on July 9 of additional improper content on pages 9 and 10, Patent Owner offered to remove the content but once again added a footnote making reference to the removed content. Expunging content only to reference it in footnotes is not expungement. And adding new content after July 8 is not proper. Petitioner is mindful of the Board's resources and has repeatedly requested that Patent Owner simply expunge the improper content and re-file the sur-reply, without the addition of any new content, such as the footnotes. That would be consistent with the rules relating to sur-replies and the Board's order on July 8. If authorized, Petitioner will submit a redline showing the content that Patent Owner seeks to add in its corrected sur-reply.

Respectfully,

Mehran Arjomand

MEHRAN ARJOMAND
Partner | Morrison & Foerster LLP
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P: +1 (213) 892-5630
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From: Robinson, Erick <erobinson@spencerfane.com>
Sent: Thursday, July 11, 2024 8:13 PM
To: Trials <Trials@USPTO.GOV>
Cc: patdunn64@gmail.com; Dunn, Patrick <pdunn@spencerfane.com>; mbrockhaus@dunlapcodding.com; Allee, J. Lori <JAllee@spencerfane.com>; dsorocco@dunlapcodding.com; Yap, Alex S. <AYap@mofo.com>; Arjomand, Mehran <MArjomand@mofo.com>; Blumenkopf, Bryan <BBlumen@mofo.com>; Sony-Quantum-IPR <Sony-Quantum-IPR@mofo.com>; Tuttle, Kevin <ktuttle@spencerfane.com>; Rafatijo, Homayoon <hrafatijo@spencerfane.com>; Quantumimaging <quantumimaging@spencerfane.com>; Robinson, Erick <erobinson@spencerfane.com>; robinson.erick <robinson.erick@gmail.com>
Subject: Re: IPR2023-00954: Patent Owner's Request for Permission to File Rebuttal Evidence with Sur-Reply

External Email

Dear Honorable Board:

Patent Owner has met and conferred with Petitioner, and Petitioner opposes Patent Owner's request that its Sur-Reply (Paper 35) in the IPR2023-00954 matter and Ex-2015 be expunged due to a filing error related to the impact of Hurricane Beryl on PO's counsel. If allowed, PO will provide the corrected Sur-Reply and exhibit list that it initially intended to file on July 8. The corrected Sur-Reply includes two footnotes explaining what was eliminated for appellate purposes.

This is the version of the Sur-Reply that was intended to be filed on July 8 and would have been filed had the hurricane not severely disrupted operations on the due date of the sur-reply. PO represents to the Board that the version it intends to file is the same version PO's counsel was referring to in my July 8 email to the Board. If a conference call with the Board is needed, the parties can provide their availability. Thank you for your time and attention to this matter.

Sincerely,
Erick Robinson
Counsel for Patent Owner
Quantum Imaging LLC

Erick Robinson Partner
Co-Chair, Intellectual Property
Spencer Fane LLP
Mobile:713.498.6047
[***Sent via mobile: please excuse typos***]

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, July 9, 2024 10:41 AM
To: Robinson, Erick <erobinson@spencerfane.com>; Trials <Trials@USPTO.GOV>
Cc: patdunn64@gmail.com <patdunn64@gmail.com>; Dunn, Patrick <pdunn@spencerfane.com>; mbrockhaus@dunlapcodding.com <mbrockhaus@dunlapcodding.com>; Allee, J. Lori <JAllee@spencerfane.com>; dsorocco@dunlapcodding.com <dsorocco@dunlapcodding.com>; ayap@mofo.com <ayap@mofo.com>; marjomand@mofo.com <marjomand@mofo.com>; bblumen@mofo.com <bblumen@mofo.com>; Sony-Quantum-IPR@mofo.com <Sony-Quantum-IPR@mofo.com>; Tuttle, Kevin <ktuttle@spencerfane.com>; Rafatijo, Homayoon <hrafatijo@spencerfane.com>; robinson.erick <robinson.erick@gmail.com>; Quantumimaging <quantumimaging@spencerfane.com>
Subject: RE: IPR2023-00954: Patent Owner's Request for Permission to File Rebuttal Evidence with Sur-Reply

Counsel,

Patent Owner's counsel should confirm that it met and conferred with Petitioner's counsel and that Petitioner does not object to Patent Owner's request.

Regards,

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

From: Robinson, Erick <erobinson@spencerfane.com>
Sent: Monday, July 8, 2024 9:31 PM
To: Trials <Trials@USPTO.GOV>
Cc: patdunn64@gmail.com; Dunn, Patrick <pdunn@spencerfane.com>; mbrockhaus@dunlapcodding.com; Allee, J. Lori <JAllee@spencerfane.com>; dsorocco@dunlapcodding.com; ayap@mofo.com; marjomand@mofo.com; bblumen@mofo.com; Sony-Quantum-IPR@mofo.com; Tuttle, Kevin <ktuttle@spencerfane.com>; Rafatijo, Homayoon <hrafatijo@spencerfane.com>; robinson.erick <robinson.erick@gmail.com>; Quantumimaging <quantumimaging@spencerfane.com>
Subject: Re: IPR2023-00954: Patent Owner's Request for Permission to File Rebuttal Evidence with Sur-Reply

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Dear Honorable Board,

Upon further comment from my non-hurricane-ravaged colleagues, PO respectfully requests the entire sur-reply (Paper 35) to be expunged. If allowed, we will provide a corrected sur-reply and exhibit list immediately to eliminate any reference to Ex. 2015.

Apologies for the confusion and thank you for your consideration.

Best regards,
Erick Robinson

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From: Robinson, Erick <erobinson@spencerfane.com>
Sent: Monday, July 8, 2024 8:21:59 PM
To: Trials@uspto.gov <Trials@uspto.gov>
Cc: patdunn64@gmail.com <patdunn64@gmail.com>; Dunn, Patrick <pdunn@spencerfane.com>; mbrockhaus@dunlapcodding.com <mbrockhaus@dunlapcodding.com>; Allee, J. Lori <JAllee@spencerfane.com>; dsorocco@dunlapcodding.com <dsorocco@dunlapcodding.com>; ayap@mofo.com <ayap@mofo.com>; marjomand@mofo.com <marjomand@mofo.com>; bblumen@mofo.com <bblumen@mofo.com>; Sony-Quantum-IPR@mofo.com <Sony-Quantum-IPR@mofo.com>; Tuttle, Kevin <ktuttle@spencerfane.com>; Rafatijo, Homayoon <hrafatijo@spencerfane.com>; robinson.erick <robinson.erick@gmail.com>; Quantumimaging <quantumimaging@spencerfane.com>
Subject: Re: IPR2023-00954: Patent Owner's Request for Permission to File Rebuttal Evidence with Sur-Reply

Dear Honorable Board:

Patent Owner respectfully requests that Ex. 2015 from PO's sur-reply (Paper 35) re IPR2023-00954 be expunged. Petitioner's counsel are copied on this email.

Primary counsel for PO as well as supporting staff are based in Houston, which today took a direct hit from Hurricane Beryl. We have been without power or Internet all day in the office and at our homes. In the chaos, we mistakenly filed an old version of our Sur-Reply from before this morning's ruling from the Board. Out of an abundance of caution based on this morning's ruling, we request Ex. 2015 be expunged. If the Board approves, we will immediately file an updated exhibit list without Ex. 2015. Thank you for your patience and understanding. Please contact me if you have any questions. Thank you again.

Sincerely,
Erick Robinson
Counsel for Patent Owner
Quantum Imaging LLC
Partner and Co-Chair of IP
Spencer Fane LLP
713-498-6047

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