## Moriarty, Robyn

**From:** Mudd, Jason (SHB) <jmudd@shb.com>
**Sent:** Thursday, December 7, 2023 3:01 PM
**To:** Argenti, Matthew; Rosato, Michael; Mills, Jad; Derryberry, Wes
**Cc:** Schafer, Mark D. (SHB); Friesen, Kyle E. (SHB)
**Subject:** RE: CSC v. PayRange, IPR2023-01186, -01187, -01188

EXT - jmudd@shb.com

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Counsel:

Petitioner is in receipt of Patent Owner's document requests below. Petitioner notes that the appropriate procedural mechanism for seeking such discovery would have been for Patent Owner to seek leave from the Board to file a motion for additional discovery. Petitioner also notes that the documents Patent Owner requests are confidential and contain sensitive commercial information. However, in the spirit of cooperation and to expedite the process, Petitioner is willing to voluntarily produce documents today in response to Patent Owner's requests, provided that:

1) Patent Owner agrees to be bound by the PTAB's Default Protective Order contained in Appendix B to the Consolidated Trial Practice Guide (tpgnov.pdf (uspto.gov)) in these proceedings,
2) Patent Owner agrees to file a Motion to Seal any documents designated as confidential by Petitioner under the Default PO in the event Patent Owner files such documents as exhibits with the Board, attaching the Default PO as an exhibit to the motion as the proposed protective order to govern these proceedings,
3) Patent Owner agrees that it will not disclose any documents designated confidential under the Default PO to any employees of Patent Owner other than in-house counsel, pursuant to Sections 2 and 3 of the Default PO, and
4) Patent Owner designates any such exhibits as "Board Only" or "Board and Parties Only" during filing.

Please confirm Patent Owner agrees to the above.

Best regards,
Jason

**Jason R. Mudd**
*Senior Counsel*
Shook, Hardy & Bacon L.L.P.

816-559-2437 | jmudd@shb.com

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**From:** Argenti, Matthew <margenti@wsgr.com>
**Sent:** Tuesday, December 5, 2023 7:04 PM
**To:** Mudd, Jason (SHB) <jmudd@shb.com>; Schafer, Mark D. (SHB) <MSCHAFER@shb.com>; Friesen, Kyle E. (SHB) <KFRIESEN@shb.com>
**Cc:** Rosato, Michael <mrosato@wsgr.com>; Mills, Jad <jmills@wsgr.com>; Derryberry, Wes <wderryberry@wsgr.com>
**Subject:** CSC v. PayRange, IPR2023-01186, -01187, -01188

**EXTERNAL**

Counsel,

Petitioner's November 22 email to the Board identifies a need to provide a fulsome record to the Board as a basis for additional briefing. *E.g.,* IPR2023-01186, EX3001. Two business days ago, Petitioner filed its replies to PayRange's preliminary responses in IPR2023-01186, IPR2023-01187, and IPR2023-01188. Petitioner submitted declarations of Chris Maxie with these replies. These declarations state that CSC used Kiosoft and/or TechTrex as a vendor to develop a product for which CSC is accused of infringement by PayRange. The declarations also state that Charles Lee's July 27, 2001 testimony "likely" refers to Kiosoft/TechTrex's agreement to indemnify CSC for expenses associated with third-party discovery. We are surprised this agreement was not submitted to the Board and hereby request production of that agreement.

We also request production of any other agreement, contractual or otherwise, between CSC and KioSoft/TechTrex that is related to the aforementioned product and contains a provision related to indemnification. We also request production of any communication between CSC and KioSoft/TechTrex related to indemnification agreements,



PayRange EXHIBIT - 2018
CSC ServiceWorks, Inc. v. PayRange, Inc. - IPR2023-01188

indemnification obligations, or indemnification requests associated with any PayRange patent or infringement accusation.

With PayRange's sur-replies due Friday, December 8, 2023, please produce these documents by close of business Thursday, December 7, 2023.

Regards,
Matt

**Matthew A. Argenti**
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

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CSC ServiceWorks, Inc. v. PayRange, Inc. - IPR2023-01188