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Subject:	Third-Party Opposition to Motion to Terminate in IPR2021-01496; IPR2021-01497; IPR2021-01498; and IPR2022-00099 [IWOV-IDOCS.FID4002875]
Date:	Saturday, January 14, 2023 3:01:18 PM

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Dear Board,

It has come to the attention of third-party Videndum Production Solutions, Inc. ("VPS") that Petitioner Arnold & Richter Cine Technik GmbH & Co. Betriebs KG ("ARRI") and Patent Owner Rotolight Limited ("Rotolight") have reached a settlement agreement and are seeking to terminate the following related IPR proceedings: IPR2021-01496 (directed to U.S. Patent No. 10,197,257); IPR2021-01497 (directed to U.S. Patent No. 10,197,258); IPR2021-01498 (directed to U.S. Patent No. 10,203,101); and IPR2022-00099 (directed to U.S. Patent No. 10,845,044). ARRI and Rotolight have moved the Board to terminate each of these proceedings. *See, e.g.,* IPR2021-01496, Paper 38.

This email to the Board is sent on behalf of VPS, who writes to inform the Board that termination of these proceedings is not appropriate and contrary to the public interest.

First, 35 U.S.C. § 317(a) only allows for termination if the Board has not yet reached a decision on the merits. Here, the Board has already heard oral argument in each of the cases, other than IPR2022-00099 (but the issues in IPR2022-00099 substantially overlap with the other proceedings). Oral Argument was held on December 13, 2022, more than a month ago. A Final Written Decision is due by March 16, 2023. The Board has put a substantial amount of time and effort into these proceedings, and there is a high likelihood that the Board has already decided the merits of the proceedings, especially given the strong invalidity positions presented by ARRI.

Second, the Board routinely denies Motions to Terminate following an Oral Argument, particularly when a Final Written Decision is imminent and termination is against public interest. *See, e.g., Rubicon Communications, LP, v. Lego A/S*, IPR2016-01187, Paper No. 100 (PTAB Dec. 14, 2017) (motion to terminate filed after oral argument denied – "[T]he public's interest in the status of the challenged claims of each patent is at its peak."); *Apple Inc. v. OpenTV, Inc.*, Case IPR2015-00969, Paper No. 29 (PTAB Sept. 10, 2016) (motion to terminate filed 44 days before Final Written Decision deadline was denied); *Kinetic Technologies, Inc. v. Skyworks Solutions, Inc.*, Case IPR2014-00690, Paper 43 (PTAB Oct. 19, 2015) (Motion to Terminate filed before Final Written Decision was denied).

Lastly, the same patents (other than the '101 patent) have been asserted against VPS in the District of Delaware and, upon information and belief, Rotolight is actively approaching and threatening other industry participants with infringement of the same patents. Rotolight is attempting to dismiss these proceedings at the eleventh-hour knowing that its patents are at substantial risk of invalidation in an attempt to preserve its litigation against VPS and others. If the Board dismisses

these proceedings, VPS may have to refile similar IPR petitions that ARRI has already filed (and for which the Board has already found substantial questions of unpatentability exists), forcing the Board to take up these issues from the start.

VPS would be happy to provide additional information or file a formal objection, as needed and as permitted by the Board.

Thank you.
Kyle Gottuso
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Counsel for Videndum Production Solutions, Inc.

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