From:	Walter, Derek
To:	Trials; Pepe, Christopher
Cc:	dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com
Subject:	RE: IPR2023-01298 and -1300 - February 23, 2024 Conference Call
Date:	Thursday, February 22, 2024 11:58:25 AM

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Dear Board:

In response to your inquiry regarding the participants for the Friday February 23 teleconference, the parties identify the following individuals:

Petitioner IPR counsel:

- David Holman (Sterne Kessler)
- Pratibha Khanduri (Sterne Kessler)

Petitioner bankruptcy counsel:

- Kimberly Posin (Latham & Watkins)
- Brian Rosen (Latham & Watkins)

Patent Owner IPR counsel:

- Derek Walter (Weil Gotshal)

Patent Owner bankruptcy counsel:

- Benjamin McCallen (Willkie Farr)
- Debra Sinclair (Willkie Farr)

Thanks,

Derek

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, February 20, 2024 12:41 PM
To: Walter, Derek <Derek.Walter@weil.com>; Trials <Trials@USPTO.GOV>; Pepe, Christopher <Christopher.Pepe@weil.com>
Cc: dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com
Subject: RE: IPR2023-01298 and -1300 - February 23, 2024 Conference Call

Counsel,

The panel thanks the parties for conferring on these issues. The conference will be set for **Friday, 2/23, at 4pm ET**.
The dial-in number for the call is: (866) 692-3582 and the passcode is: 4480712#.

Patent Owner is authorized to file the proposed 3-page brief as requested by February 20, 2023. Petitioner is also authorized to file a response, if desired, of no more than 3 pages by 2/22.

Bankruptcy counsel from both parties are permitted to attend. In advance of the call, the parties are to submit to this email a joint list of the names of all counsel attending the call. In addition, the panel requests that Patent Owner procure a court reporter for the conference if possible.

Regards,

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

From: Walter, Derek <Derek.Walter@weil.com>
Sent: Sunday, February 18, 2024 10:06 PM
To: Trials <Trials@USPTO.GOV>; Pepe, Christopher <Christopher.Pepe@weil.com>
Cc: dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com
Subject: RE: IPR2023-01298 and -1300

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Dear Board:

In response to the inquiry below, the parties report that they are available for a conference call on either Thursday 2/22 from 4-5 pm ET or Friday 2/23 from 2-5 pm ET.

In advance of the call, Patent Owner makes two requests:

1. First, Patent Owner believes it would be helpful to the Board to submit a 3-page brief in advance of the call to address the questions identified in the Board's email below. Patent Owner proposes to submit this to the Board on Tuesday, February 20, and requests authorization to do so. Petitioner, for its part, will not be taking a position before the Board as to whether section 362 of the bankruptcy code applies to these proceedings and/or whether this tribunal or the bankruptcy court should decide this issue. Petitioner further states that it does not believe any briefing is needed in advance of the call. Should the Board

authorize Patent Owner's proposed 3-page submission, Petitioner reserves the right to request authorization for a reply of equal length.

2. Second, Patent Owner believes it would be beneficial to have the parties' respective bankruptcy counsel available on the call, and requests that the Board authorize this. Petitioner does not oppose this request so long as both sides' bankruptcy counsel are permitted to be on the call.

Thanks,

Derek

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, February 8, 2024 10:11 AM
To: Walter, Derek <Derek.Walter@weil.com>; Pepe, Christopher <Christopher.Pepe@weil.com>
Cc: dholman-ptab@sternekessler.com; pkhanduri-ptab@sternekessler.com; rsterne-ptab@sternekessler.com; glongs-ptab@sternekessler.com; Trials <Trials@USPTO.GOV>
Subject: IPR2023-01298 and -1300

Counsel,

The panel requests a conference with counsel for the parties regarding the effect of Patent Owner's Chapter 11 filing. Counsel should be prepared to discuss whether the parties agree that the Chapter 11 filing stays IPR2023-01298 and -1300, including whether the Bankruptcy Court of Delaware has interpreted section 362 of the Bankruptcy Code to specifically apply to IPR2023-01298 and -1300, which do not involve a debt owed by Patent Owner.

Counsel are instructed to confer regarding this issue, and to identify mutually agreeable times for a conference call with the panel.

Regards,

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

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