

From: [Adam Seitz](#)
To: [Trials](#)
Cc: [PTAB](#); [Eric Buresh](#); [Jennifer Bailey](#); [dpereira@merchantgould.com](#); [dmcphail@merchantgould.com](#); [Fink, Tim](#); [Haber, Ben](#); [Whilt, Nicholas](#); [Lydia Raw](#); [Cook, Brian](#); [ptab@eriseip.com](#)
Subject: Re: IPR2024-00006 (US 8,588,033) and IPR2024-00040 (9,804,678)
Date: Thursday, October 10, 2024 12:01:04 PM

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

To the Board,

I write on behalf of Garmin, who filed a copycat petition and was joined to the Samsung proceeding in an understudy role. With the Samsung settlement, it is my understanding that Garmin will be stepping into the lead role in this proceeding. Pursuant to the Stipulation filed September 6, 2024, Petitioner's Reply brief is due tomorrow, October 11, 2024. At this point, Samsung has not yet been dismissed, Garmin is still in the understudy role, and Garmin cannot meet tomorrow's deadline on such short notice. As such, Garmin would respectfully request a telephone conference with the Board at its earliest convenience to discuss a revised schedule that accounts for Garmin's new role and the significant work needed to prepare the Petitioner's Reply.

Garmin has twice emailed counsel for Patent Owner to discuss this request but has not received any response. Garmin has also communicated with Zepp Health (another joinder petitioner), who did not object to Garmin sending this email or requesting this telephone conference.

Respectfully,

Adam Seitz
Lead Counsel for Petitioner Garmin



Adam Seitz
P 913.777.5611

On Oct 9, 2024, at 1:03 PM, Cook, Brian <bcook@omm.com> wrote:

Dear Honorable Board,

Petitioner Samsung and Patent Owner Slyde have reached a settlement in principle of the related district court litigation and will seek leave to file a joint motion to terminate Samsung's further participation in IPR2024-00006 and IPR2024-00040 once the final settlement agreement has been executed. It is Samsung's understanding that joint Petitioner Garmin Ltd. intends to take over the role of lead Petitioner from Samsung in IPR2024-00006.

Counsel for Patent Owner Slyde and Joint Petitioners Garmin and Zepp Health are copied on this communication.

Best regards,
Brian Cook
Counsel for Petitioner Samsung

O'Melveny

Dr. Brian M. Cook

Partner

bcook@omm.com

O: +1-213-430-6496

O'Melveny & Myers LLP
400 S Hope St Suite 1900
Los Angeles, CA 90071-2811
[Website](#) | [LinkedIn](#) | [Twitter](#) | [Bio](#)

This message and any attached documents contain information from the law firm of O'Melveny & Myers LLP that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.