From:	Trials
To:	Wolfe, Michael; Bregman, Dion M.; Patitucci, Alison P.; PH-Lam-Inpria-IPR; MLB-Lam-IPR-Team
Cc:	Trials
Subject:	RE: URGENT / IPR2024-00033 / Deposition Dispute
Date:	Tuesday, October 15, 2024 3:43:34 PM

Counsel,

Thank you for the communications below about the dispute that arose during a deposition on the afternoon of Friday, October 11, 2024. At 3:39 PM Eastern Time that day, the Board (specifically, Judge Obermann) called the phone number provided by counsel and spoke briefly (for a duration of 56 seconds) to Petitioner's counsel, Ms. Alison Patitucci, who explained that the deposition had concluded and that the parties would be in touch with the Board this week to discuss next steps. The call was terminated due to its ex parte nature, and no other aspects of the case were discussed. The Board will enter a copy of this email trail as Exhibit 3004.

Regards,

Franchesca I. Alicea Villanueva
Supervisory Paralegal
Patent Trial & Appeal Board
U.S. Patent & Trademark Office
Phone: (571) 270-0989
E-mail: InterferenceTrialSection@USPTO.GOV

From: Wolfe, Michael <michaelwolfe@paulhastings.com>
Sent: Tuesday, October 15, 2024 7:23 AM
To: Trials <Trials@USPTO.GOV>
Cc: Bregman, Dion M. <dion.bregman@morganlewis.com>; Patitucci, Alison P. <alison.patitucci@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>; MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>
Subject: RE: URGENT / IPR2024-00033 / Deposition Dispute

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Your Honors,

Patent Owner writes to provide context, given Petitioner Lam did not confer with Patent Owner Inpria regarding the content of its emails before sending them to the Board.

During the deposition, Lam asked questions about several topics without objection. However, at one point in the deposition, Lam began to ask questions directed to the technical merits of Dr. Stowers's thesis. As the Board may recall, Patent Owner raised this as a concern during the last conference call with the Board given that Dr. Stowers is a named inventor but whose declaration was limited to the public accessibility of his thesis. Inpria indicated to Lam that this line of questions was inappropriately outside of the scope of Dr. Stowers's declaration. Lam responded by suggesting

a call with the Board. The parties paused the deposition to call the Board. The Office indicated the Board would call the parties back, if available.

While the parties waited for a potential call, the parties agreed that Lam should continue its questions to exhaust any line of questions that were not disputed. Lam's remaining questions proceeded without interruption due to scope issues.

Inpria does not believe a call is necessary and suggests that the parties submit the deposition transcript that the Board may then review.

Respectfully,
Michael Wolfe

From: Patitucci, Alison P. <alison.patitucci@morganlewis.com>
Sent: Monday, October 14, 2024 1:36 PM
To: Trials <Trials@USPTO.GOV>
Cc: Bregman, Dion M. <dion.bregman@morganlewis.com>; Wolfe, Michael <michaelwolfe@paulhastings.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>; MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>
Subject: [EXT] RE: URGENT / IPR2024-00033 / Deposition Dispute

Your Honors:

Further to the email below which we sent to the board during a deposition on Friday, Petitioner and Patent Owner were unable to resolve the dispute regarding Patent Owner's instructions for the witness not to answer certain questions based on a scope objection. Petitioner completed what it could at the deposition, and the remainder of the deposition was postponed until the Board is able to address this issue. Petitioner therefore requests a conference call with the Board this week.

Respectfully,
Alison

Alison P. Patitucci, Ph.D.
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alison.patitucci@morganlewis.com | www.morganlewis.com

From: Patitucci, Alison P.
Sent: Friday, October 11, 2024 2:28 PM
To: Trials <Trials@USPTO.GOV>

Cc: Bregman, Dion M. <dion.bregman@morganlewis.com>; 'Wolfe, Michael' <michaelwolfe@paulhastings.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>
Subject: URGENT / IPR2024-00033 / Deposition Dispute

Board,

Petitioner is currently taking the deposition of Dr. Jason Stowers in IPR2024-00033 and requires the Board's immediate assistance regarding the witness being instructed not to answer questions based on a scope objection. We are available for a conference call conference call whenever the Board has time today.

Thank you,
Alison

Alison P. Patitucci, Ph.D.
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