

From: [Trials](#)
To: [Rieger, Sarah E.](#); [Trials](#)
Cc: [Andrew B. Turner](#); [John M. Halan](#); [Rebecca Cantor](#); [Kyle G. Konz](#); [Reza Esfahani](#); [LCF0115IPR@brookskushman.com](#); [Jelenchick, Kadie M.](#); [McKenna, Rick](#); [Maass, Steph](#); [Brown, Dan](#)
Subject: RE: IPR2024-00083 – Request for Conference Call Regarding Discovery Dispute
Date: Thursday, August 22, 2024 3:25:17 PM

Counsel,

A conference call has been scheduled for Monday, August 26, 2024 at 3:00 p.m. eastern. The dial in number is 866-783-1946 and the passcode is 1260670.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571)272-7822

From: Rieger, Sarah E. <SRieger@foley.com>
Sent: Wednesday, August 21, 2024 4:30 PM
To: Trials <Trials@USPTO.GOV>
Cc: Andrew B. Turner <aturner@brookskushman.com>; John M. Halan <jhalan@brookskushman.com>; Rebecca Cantor <RCANTOR@brookskushman.com>; Kyle G. Konz <kkonz@brookskushman.com>; Reza Esfahani <resfahani@brookskushman.com>; LCF0115IPR@brookskushman.com; Jelenchick, Kadie M. <KJelenchick@foley.com>; McKenna, Rick <RMcKenna@foley.com>; Maass, Steph <SMaass@foley.com>; Brown, Dan <DBrown@foley.com>
Subject: IPR2024-00083 – Request for Conference Call Regarding Discovery Dispute

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Dear Board,

Pursuant to §3 of the Scheduling Order (Paper 14) in IPR2024-00083, Patent Owner respectfully requests a conference call with the Board to discuss a discovery dispute that has arisen between the parties.

Specifically, Patent Owner seeks authorization to file a motion for formal discovery of sales data for Petitioner's products that are accused of infringement in parallel litigation and related authenticating evidence. This evidence is already in Patent Owner's possession as a result of discovery in parallel litigation but Petitioner has objected to Patent Owner's use of this discovery in the IPR proceedings matter. Additionally, Patent Owner seeks authorization to file a motion for leave to submit the aforementioned evidence of Petitioner's sales and evidence of other third party sales in support of its sur-reply.

IPR2024-00083
Ex. 3002

The parties met and conferred telephonically regarding this dispute on Monday, August 19, 2024, and were unable to resolve the dispute. Counsel for Petitioner continues to refuse to permit use of its sales data in this matter and has further indicated that it will oppose Patent Owner's request to submit evidence in support of its sur-reply. Accordingly, pursuant to §3 of the Scheduling Order (Paper 14), Patent Owner respectfully requests a conference call with the Board.

Counsel for Petitioner is copied on this email. The parties are available for a conference call at the following times and can provide additional times of availability should the Board desire:

- Friday, August 23, 2024: 10:00 ET – 4:00 ET
- Monday, August 26, 2024: 2:00 ET – 5:00 ET

Regards,
Sarah Rieger
Counsel for Patent Owner

Sarah E. Rieger
Associate

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