

From: [Meyer, Charles J](#)
To: [Dorsky, Jason M.](#)
Cc: [Carlin, John D.](#); [Oliver, Justin J.](#); [Yam, Stephen K.](#); [Collins, Scott](#); [Sneed, Danielle Y.](#)
Subject: RE: IPR2024-00101 (Luminex v. Signify) - Menard Privilege Log
Date: Friday, November 8, 2024 3:00:50 PM
Attachments: [image001.png](#)

Caution: External Email

Dear Jason,

Thank you for your email. The privilege log does contain confidential information, such as information on the names, dates and descriptions of the subject matter of privileged communications. *See, e.g., Oracle Am., Inc. v. Google Inc.*, 2015 U.S. Dist. LEXIS 163956 (N.D. Cal. Dec. 3, 2015) (sealing an excerpt of a privilege log that discusses "the date and general subject matter of privileged communications"). We do not agree to remove the Confidential designation. Moreover, it is not clear how the privilege log on pre-suit communications is even relevant to the question of, "whether Menard qualifies as an RPI in the IPR proceeding." As you know from other documents, Menard presented Luminex with an indemnification demand letter pursuant to its contract with Menard and Luminex is required to indemnify Menard in the lawsuit. Menard had no input, control or involvement in any way in Luminex's decision to file or Luminex's preparation of Luminex's IPR petition.

Best,
--Charlie--

Charles J. Meyer | Partner

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From: Dorsky, Jason M. <JMDorsky@Venable.com>
Sent: Wednesday, November 6, 2024 5:31 PM
To: Meyer, Charles J <cjmeyer@uspatent.com>
Cc: Carlin, John D. <JCarlin@Venable.com>; Oliver, Justin J. <JOliver@Venable.com>; Yam, Stephen K. <SYam@Venable.com>; Collins, Scott <scollins@uspatent.com>
Subject: IPR2024-00101 (Luminex v. Signify) - Menard Privilege Log

Charlie,

Luminex v. Signify
IPR2024-00101
Exhibit 2023

As you may know, the Board has authorized Signify to file a motion for additional discovery pertaining to whether Menard qualifies as an RPI in the IPR proceeding, which is due within 5 business days (by November 13). Signify intends to include with its motion a copy of Menard's privilege log that was produced as an attachment to your October 24, 2023 email. However, we note that Menard has designated the privilege log "Confidential" under the Protective Order. Based on our review, we have not identified any confidential information within Menard's privilege log. Please confirm that Menard will agree to re-produce a copy of the privilege log without the "Confidential" designation (or otherwise permit Signify to file a copy of the privilege log with its motion). If Menard does not agree to do so, please identify what information within the privilege log constitutes "Confidential" information under the Protective Order.

Given the short timeframe for Signify to prepare and file its motion, we ask that you provide a response by close of business Friday, November 8.

Thank you,
Jason

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