

From: [Trials](#)
To: [Christie, Drew](#); [jmills@wsgr.com](#); [mrosato@wsgr.com](#); [mbresnahan@wsgr.com](#); [Feldstein, Mark](#); [paul.ragusa@bakerbotts.com](#); [carolyn.pirraglia@bakerbotts.com](#); [eliot.williams@bakerbotts.com](#); [Goldberg, Joshua](#); [Everhart, Matthew](#)
Cc: [Trials](#)
Subject: RE: IPR2024-00313: PO's motion to seal – response requested
Date: Friday, December 13, 2024 1:07:28 PM

Counsel,

It appears that Patent Owner has not yet filed a public version of Exhibit 2094, as required by our email of Dec. 3. Patent Owner shall file a public version of Ex. 2094 that removes any added designation(s) with respect to its Protective Order status (e.g., “Protective Order Material”) by Monday, Dec. 16. If Patent Owner does not do so, the Board will change the availability of Exhibit 2094 in P-TACTS so the public may access it.

Regards,

Franchesca I. Alicea Villanueva
Supervisory Paralegal
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, December 3, 2024 1:58 PM
To: Christie, Drew <Drew.Christie@finnegan.com>; Trials <Trials@USPTO.GOV>; jmills@wsgr.com; mrosato@wsgr.com; mbresnahan@wsgr.com; Feldstein, Mark <mark.feldstein@finnegan.com>; paul.ragusa@bakerbotts.com; carolyn.pirraglia@bakerbotts.com; eliot.williams@bakerbotts.com; Goldberg, Joshua <Joshua.Goldberg@finnegan.com>; Everhart, Matthew <Matthew.Everhart@finnegan.com>
Subject: RE: IPR2024-00313: PO's motion to seal – response requested

Counsel:

Thank you for confirming that Patent Owner has withdrawn the motion to seal. In light of the withdrawal, Patent Owner shall file, by Tuesday, December 10, 2024, a public version of Exhibit 2094 that removes any added designation(s) with respect to its Protective Order status. Upon the filing of the public version, the exhibit under seal will be expunged.

As there currently does not appear to be any document in need of a Protective Order, we also treat the Motion to Enter Default Protective Order as withdrawn. In the event the parties move to seal

Ex. 3003
IPR2024-00313

documents in the future, the parties may renew the motion for protective order at that time.

Best regards,
Eric W. Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board

From: Christie, Drew <Drew.Christie@finnegan.com>
Sent: Friday, November 1, 2024 3:01 PM
To: Trials <Trials@USPTO.GOV>; jmills@wsgr.com; mrosato@wsgr.com; mbresnahan@wsgr.com; Feldstein, Mark <mark.feldstein@finnegan.com>; paul.ragusa@bakerbotts.com; carolyn.pirraglia@bakerbotts.com; eliot.williams@bakerbotts.com; Goldberg, Joshua <Joshua.Goldberg@finnegan.com>; Everhart, Matthew <Matthew.Everhart@finnegan.com>
Subject: RE: IPR2024-00313: PO's motion to seal – response requested

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

Dear Mr. Kellogg,

Thank you for your message. Patent Owner hereby withdraws the motion to seal.

Regards,
Drew Christie

Drew Christie
Associate

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Avenue, NW, Washington, DC 20001-4413
202.408.4341 | fax 202.408.4400 | drew.christie@finnegan.com | www.finnegan.com

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, October 31, 2024 9:25 AM
To: jmills@wsgr.com; mrosato@wsgr.com; mbresnahan@wsgr.com; Feldstein, Mark <mark.feldstein@finnegan.com>; paul.ragusa@bakerbotts.com; carolyn.pirraglia@bakerbotts.com; eliot.williams@bakerbotts.com; Goldberg, Joshua <Joshua.Goldberg@finnegan.com>; Christie, Drew <Drew.Christie@finnegan.com>; Everhart, Matthew <Matthew.Everhart@finnegan.com>; jason.zhang@finnegan.com
Cc: Trials <Trials@USPTO.GOV>
Subject: IPR2024-00313: PO's motion to seal – response requested

Counsel:

On September 23, 2024, Patent Owner filed a motion to seal confidential versions of

Patent Owner's Response and Exhibits 2094, 2191, and 2192. Patent Owner represented that good cause existed to seal these documents because Ex. 2094, which is also discussed in the other documents at issue, was subject to an embargo by the American Academy of Ophthalmology and non-public until October 18, 2024. Petitioner filed an opposition to the motion to seal on October 23, 2024.

Because October 18, 2024 has passed, Patent Owner shall respond to this e-mail by no later than Monday, Nov. 4, 2024, indicating whether it is maintaining or withdrawing the motion to seal.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

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