

From: [Cooke, Tiffany](#)
To: [Tammy J. Terry](#); [OBWB-IWS-DOWNING](#); [Kostolansky, Kris J.](#); [Collins, Lance](#)
Cc: [Johnston, Lee](#); [Drott, Andrew](#); [Emerson, Russ](#)
Subject: RE: Downing/IWS - Downing's Resp. & Obj. to IWS's ROG Nos. 1-2
Date: Tuesday, December 5, 2023 12:18:00 PM

Tammy – we are OK with your edits to the draft stipulation. We will get this on file today.

Tiffany

Tiffany Cooke | Partner | She/Her/Hers
tiffany.cooke@haynesboone.com | (t) +1 214.651.5849

From: Tammy J. Terry <Terry@obwb.com>
Sent: Monday, December 4, 2023 3:04 PM
To: Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>; Kostolansky, Kris J. <KKostolansky@lewisroca.com>; Collins, Lance <LCollins@lewisroca.com>
Cc: Johnston, Lee <Lee.Johnston@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Emerson, Russ <Russ.Emerson@haynesboone.com>
Subject: RE: Downing/IWS - Downing's Resp. & Obj. to IWS's ROG Nos. 1-2

EXTERNAL: Sent from outside Haynes and Boone, LLP

Hi Tiffany,

Edits to your Friday email regarding the November 29th meet and confer in red below and edits to the stipulation attached.

Thanks,

Tammy

Tammy J. Terry | Partner | Head of Litigation
Osha Bergman Watanabe & Burton LLP
713-228-8600 | www.obwb.com | Terry@obwb.com

This communication may contain confidential or privileged information.

***Please note that our email addresses at OBWB just changed to [name]@obwb.com instead of [name]@obwbip.com. Although we will continue to receive email to our old addresses, we ask that you please direct future correspondence to our new email addresses to ensure that there are no interruptions or delays in communication.*

From: Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>
Sent: Monday, December 4, 2023 1:36 PM
To: Tammy J. Terry <Terry@obwb.com>; OBWB-IWS-DOWNING <[OBWB-IWS-](#)

Downing@obwb.com>; Kostolansky, Kris J. <KKostolansky@lewisroca.com>; Collins, Lance <LCollins@lewisroca.com>

Cc: Johnston, Lee <Lee.Johnston@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Emerson, Russ <Russ.Emerson@haynesboone.com>

Subject: RE: Downing/IWS - Downing's Resp. & Obj. to IWS's ROG Nos. 1-2

Tammy –

Do you all have any edits to the attached stipulation? We would like to get it on file.

Thanks,

Tiffany

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tiffany.cooke@haynesboone.com | (t) +1 214.651.5849

From: Cooke, Tiffany

Sent: Friday, December 1, 2023 12:30 PM

To: 'Tammy J. Terry' <Terry@obwb.com>; 'OBWB-IWS-DOWNING' <OBWB-IWS-Downing@obwb.com>; 'Kostolansky, Kris J.' <KKostolansky@lewisroca.com>; 'Collins, Lance' <LCollins@lewisroca.com>

Cc: Johnston, Lee <Lee.Johnston@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Emerson, Russ <Russ.Emerson@haynesboone.com>

Subject: RE: Downing/IWS - Downing's Resp. & Obj. to IWS's ROG Nos. 1-2

Tammy,

Following up on the parties' meet and confer on the 27th 29th, we agreed to the following:

- By December 15th, Downing will supplement its responses to IWS's first set of interrogatories and provide its contentions regarding inventorship and priority of the Asserted Patents for each asserted claim;
- By December 15th, IWS will supplement its invalidity contentions and **provide a re-formatted list that reorganizes the information already provided in IWS's initial invalidity contentions into a list of combinations with their accompanying motivations to combine, in the list-format requested by Downing during the meet and confer on the 29th. identify (e.g., provide a list) of: (1) each specific reference that Defendants contend anticipates each asserted claim; (2) each specific reference (e.g., single reference obviousness) and each specific combination of references (e.g., A+B, A+B+C, A+C) that Defendants contend renders obvious each asserted claim; and (3) for each specific obviousness combination, the alleged motivation to combine each specific combination of references.**
- Downing's deadline to respond to IWS's invalidity contentions is moved from January
th th

10 to January 19 , and no other deadlines are affected.

Please let me know if this does not reflect your understanding of our agreement.

Consistent with our agreement, a draft Stipulated Motion reflecting the change in Downing's deadline to respond to IWS's invalidity contentions is attached. Let us know if you have any edits so we can get this on file.

Tiffany

Tiffany Cooke | Partner | She/Her/Hers
tiffany.cooke@haynesboone.com | (t) +1 214.651.5849

From: Cooke, Tiffany

Sent: Monday, November 27, 2023 10:35 AM

To: Tammy J. Terry <Terry@obwb.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>; Kostolansky, Kris J. <KKostolansky@lewisroca.com>; Collins, Lance <LCollins@lewisroca.com>

Cc: Johnston, Lee <Lee.Johnston@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Emerson, Russ <Russ.Emerson@haynesboone.com>

Subject: RE: Downing/IWS - Downing's Resp. & Obj. to IWS's ROG Nos. 1-2

Tammy –

We disagree but are nonetheless happy to set up a call to discuss. We are available Wednesday between 12-2 MT – let me know what time works on your end.

Additionally, we are in receipt of Defendants' Invalidity Contentions and Response to Infringement Contentions and believe both fail to comply with the Local Patent Rules, including by failing to comply with at least LPtR 6(a)-(b) and LPtR 8(b)(2)-(3). We request that you also be prepared to meet and confer on this issue during our call.

Tiffany

Tiffany Cooke | Partner | She/Her/Hers
tiffany.cooke@haynesboone.com | (t) +1 214.651.5849

From: Tammy J. Terry <Terry@obwb.com>

Sent: Wednesday, November 22, 2023 1:58 PM

To: Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>; Kostolansky, Kris J. <KKostolansky@lewisroca.com>; Collins, Lance <LCollins@lewisroca.com>

Cc: Johnston, Lee <Lee.Johnston@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Emerson, Russ <Russ.Emerson@haynesboone.com>

Subject: RE: Downing/IWS - Downing's Resp. & Obj. to IWS's ROG Nos. 1-2

EXTERNAL: Sent from outside Haynes and Boone, LLP

Counsel,

Your responses to IWS's Interrogatories Nos. 1 and 2 are improper and withholding the requested information is prejudicial to IWS. When are you available to meet and confer early next week?

Regards,

Tammy J. Terry | Partner | Head of Litigation
Osha Bergman Watanabe & Burton LLP

713-228-8600 | www.obwb.com | Terry@obwb.com

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From: Cooke, Tiffany <Tiffany.Cooke@haynesboone.com>

Sent: Tuesday, November 21, 2023 5:26 PM

To: Tammy J. Terry <Terry@obwb.com>; OBWB-IWS-DOWNING <OBWB-IWS-Downing@obwb.com>; Kostolansky, Kris J. <KKostolansky@lewisroca.com>; Collins, Lance <LCollins@lewisroca.com>

Cc: Johnston, Lee <Lee.Johnston@haynesboone.com>; Drott, Andrew <Andrew.Drott@haynesboone.com>; Emerson, Russ <Russ.Emerson@haynesboone.com>

Subject: Downing/IWS - Downing's Resp. & Obj. to IWS's ROG Nos. 1-2

Counsel –

Attached for service please find Downing's Objections and Responses to IWS's Interrogatories (Nos. 1-2).

Tiffany

Tiffany Cooke

She/Her/Hers

Partner

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Dallas, TX 75201

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