

From: [Trials](#)
To: [Douglas, Christopher](#); [Trials](#)
Cc: [Theodoros Konstantakopoulos](#); [Exotec-632IPR](#); [Yung-Hoon \(Sam\) Ha](#); [Goutam Patnaik](#); [David Shaw](#); [Opex IPR Service](#)
Subject: RE: IPR2024-00850 - Substitution of Petitioner's Expert (Medical Condition)
Date: Friday, December 20, 2024 11:59:57 AM

Counsel:

As requested by Petitioner, and not opposed by Patent Owner, Petitioner is permitted to substitute Dr. Spenko for Dr. Derby in this proceeding, with Dr. Spenko fully adopting the testimony that appears in Dr. Derby's declaration (Ex. 1003).

Best regards,

From: Douglas, Christopher <Christopher.Douglas@alston.com>
Sent: Thursday, December 19, 2024 4:46 PM
To: Trials <Trials@USPTO.GOV>
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Subject: IPR2024-00850 - Substitution of Petitioner's Expert (Medical Condition)

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Dear Honorable Board,

Patent Owner's expert, Dr. Derby, is unable to sit for a deposition in this matter due to a serious medical condition. Petitioner has retained a new expert, Dr. Matthew Spenko, who is prepared to adopt Dr. Derby's testimony from Dr. Derby's declaration (Ex. 1003). Dr. Spenko will be made available for deposition in place of Dr. Derby.

Petitioner requests confirmation from the Board that Dr. Spenko may step in for Dr. Derby in this proceeding and adopt his declaration.

The parties have conferred, and Patent Owner does not oppose the substitution of Dr. Spenko for Dr. Derby provided that Dr. Spenko fully adopts Dr. Derby's testimony from Dr. Derby's declaration.

Best,

Chris

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IPR2024-00850
Ex. 3001

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