

Bajaj, Raghav (ATX)

From: Bajaj, Raghav (ATX)
Sent: Tuesday, February 25, 2025 1:40 PM
To: 'Argenti, Matthew'
Cc: Davis, Blake (Bay Area); Lumish, Douglas (Bay Area); Lonergan, Lucas (Bay Area); Peters, Steven (DC); Derryberry, Wes; Rosato, Michael; Baillargeon, Joe; Bruner, Nicole (DC); Jaffe, Jordan; Zang, Lisa; WSGR - Orca Wiz; Henry, Christopher (BN); McKenna, Krissy (BN)
Subject: RE: Orca/Wiz - IPR Proceedings

Matt,

We noted in our email to the Board that Wiz opposes Orca's request for authorization to file a motion for additional discovery. We disagree generally with the remainder of your email and address certain issues below.

First, your email summarily asserts a disagreement that "the documents cited in [response to Wiz's interrogatory No. 11] and included in your IPR production request relate to secondary considerations." Can you please explain the basis for your disagreement, as we asked in my email to you on Feb. 19?

Second, Orca has followed the district court protective order and the parties' agreement that Orca could pursue procedures in the IPRs that would "allow[] Orca to submit confidential and/or AEO information in the IPRs produced in the district court litigation for purposes of the IPR." 2024-12-26 email from B.Davis to Wiz district court counsel (explaining Orca's inclusion of what the parties agreed to in ¶14 of the stipulated stay); D.I. 233 ¶14 ("the parties may pursue procedures to facilitate the disclosure of information produced in this case in the Wiz IPRs"). Your email suggests that Orca violates the protective order by searching Wiz's produced documents in the district court proceedings relating to the validity of Orca's asserted patents. That is wrong. The validity of the asserted patents is, of course, something that remains an issue in the district court proceedings, and Orca can continue to develop those positions during the course of the stay. And as the parties expressly agreed, and the Court ordered, Orca is permitted to pursue procedures to facilitate the disclosure of such produced materials in the Wiz IPRs. D.I. 233 ¶14; *see also* D.I. 38 ¶ 29 ("By entering this order and limiting the disclosure of information in this case, the Court does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case."). We also note that Orca's assertion that Wiz copied Orca, Orca's patents, and Orca's SideScanning technology that practices the asserted patents was first alleged in Orca's complaint, well before Wiz produced any documents in the district court case.

Third, Orca's email to the Board was not "misleading," and Wiz's responses suggest gamesmanship intended to prejudice Orca's use of the documents in these proceedings. Orca identified the documents it was seeking production of on February 7 by reference to the district court interrogatory (with the exception of 3 additional documents that Orca additionally identified on February 14). After waiting six days to respond to that February 7 request, on February 13, Wiz's IPR counsel stated it could not (or would not) review the interrogatory, alleging that Orca should talk to Wiz's district court counsel (of the same firm) instead. Wiz has provided no basis for its six-day wait to tell us that it would not review or could not understand Orca's request. Regardless, the next day, we asked Wiz's IPR counsel for a call where we explained the district court protective order specifically permits "partners, associates, and employees" of outside counsel of record, including the entire Wiz IPR team, and thus the Wiz IPR team had permission to review the interrogatory response. We followed up that call the same day with an email to Wiz's IPR *and* District Court counsel (again, all of the same firm) identifying each document by production bates number for convenience, and specifically offered to reduce the burden on Wiz by sending the documents to Wiz. Instead, Wiz delayed again and promised a substantive response by February 21. That day came and went with no response, forcing Orca to raise the issue with the Board. Orca reserves the right to seek an extension of its Patent Owner Response(s) if necessary to use the requested documents in these proceedings.

Orca Security Ltd.
Exhibit 2059
Wiz v. Orca
IPR2024-00863, -00864, -00865,
-01109, -01190, -01191
Ex. 2059-001

Best regards,

Raghav

Raghav Bajaj

LATHAM & WATKINS LLP

300 Colorado St. | Suite 2400 | Austin, TX 78701

D: +1.737.910.7370

From: Argenti, Matthew <margenti@wsgr.com>

Sent: Monday, February 24, 2025 11:13 PM

To: Bajaj, Raghav (ATX) <Raghav.Bajaj@lw.com>

Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbaillargeon@wsgr.com>; Bruner, Nicole (DC) <Nicole.Bruner@lw.com>; Jaffe, Jordan <jjaffe@wsgr.com>; Zang, Lisa <lzang@wsgr.com>; WSGR - Orca Wiz <WSGR-Orca-Wiz@wsgr.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>

Subject: RE: Orca/Wiz - IPR Proceedings

Raghav,

Thank you for sending Orca's response to interrogatory no. 11, which Wiz's IPR team did not previously have access to. However, upon reviewing that response we find that it does not support your assertion that the documents cited in that response and included in your IPR production request relate to secondary considerations.

Moreover, your recent emails raise serious concerns whether Orca has and is violating the district court protective order. As you, or at least the members of Orca's IPR team who are also counsel of record in the district court case, should be aware, the protective order in that case states that protected documents "shall be used by the Parties *only in the litigation of this Action and shall not be used for any other purpose*, including without limitation any other litigation, patent prosecution or acquisition, patent reexamination or reissue proceedings ... or any business or competitive purpose or function." Yet your recent correspondence indicates that Orca is not only reviewing the Wiz confidential information quoted in the rog response you sent, but also searching Wiz's document production for additional documents it seeks to use in the IPRs. Your offer to discuss individual documents in more detail only raises further concern. Wiz reserves all rights, including to raise Orca's conduct before the district court.

Beyond that, your draft email to the Board is misleading. Orca did not identify the requested documents until February 14 and did not provide the interrogatory response purportedly providing a basis for the production request until February 19. In addition, your draft email newly raises skepticism as a basis for production whereas neither your previous emails nor the interrogatory response mentioned that issue. As such, your request is inappropriate and opposed.

Should you decide to raise your request with the Board, we are available to join a conference call between 12:00-5:00 on Wednesday, 2/26, and 11:30-1:00 on Friday, 2/28, eastern time.

Regards,
Matt

Matthew A. Argenti

Wilson Sonsini Goodrich & Rosati

650 Page Mill Rd., Palo Alto, CA 94304

Direct: (650) 354-4154

Fax: (650) 493-6811

From: Raghav.Bajaj@lw.com <Raghav.Bajaj@lw.com>
Sent: Monday, February 24, 2025 6:24 AM
To: Argenti, Matthew <margenti@wsgr.com>
Cc: Blake.Davis@lw.com; Doug.Lumish@lw.com; Lucas.Lonergan@lw.com; Steven.Peters@lw.com; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>; Nicole.Bruner@lw.com; Jaffe, Jordan <jjaffe@wsgr.com>; Zang, Lisa <lzang@wsgr.com>; WSGR - Orca Wiz <WSGR-Orca-Wiz@wsgr.com>; Christopher.Henry@lw.com; Krissy.McKenna@lw.com
Subject: RE: Orca/Wiz - IPR Proceedings

EXT - raghav.bajaj@lw.com

Matt,

We are following up on the below, as Wiz had indicated it would be able to consider the request within the week and provide a substantive response. We have not received any response.

Given the upcoming deadlines in this case, please provide Wiz's response to Orca's discovery request no later than 5:00 PM Pacific on Monday, February 24. If Wiz's position is that it will not produce the documents in its possession, we intend to move for additional discovery. If that is the case, we request that you provide your available times this week for a conference call with the Board. Our draft email to the Board is below, which we intend to send at 9 AM Pacific on Tuesday, February 25.

Best regards,

Raghav

Dear Honorable Board,

Patent Owner Orca Security Ltd. ("Orca") respectfully requests authorization to file a motion for additional discovery in IPR Nos. IPR2024-00863, -00864, -00865, -01109, -01190, -01191 (collectively, "these Proceedings"). Specifically, every Ground in these Proceedings is based on obviousness, and Orca seeks discovery of certain documents that Petitioner Wiz, Inc. ("Wiz") produced in district court litigation, wherein Orca contends the requested documents demonstrate objective indicia of nonobviousness of the challenged claims, including skepticism of Orca's claimed inventions, industry praise for Orca's inventions, and Wiz's copying of Orca's inventions claimed in each of the challenged patents. Orca's authorized motion would demonstrate that the additional discovery is "necessary in the interest of justice" (35 U.S.C. § 316(a)(5)) and that each *Garmin* factor is met, including because Orca has already specifically identified each of the requested documents but cannot generate or assemble their equivalents without additional discovery because Wiz produced the documents as "CONFIDENTIAL" or "CONFIDENTIAL – ATTORNEYS' EYES ONLY" under the district court protective order.

The parties have already negotiated and agreed to a proposed protective order for confidential documents in these proceedings. On February 7, Orca identified its request for additional discovery to Wiz and attempted to reach agreement, through multiple email and phone communications with Wiz, but Wiz has refused to indicate whether it will produce any documents requested by Orca.

Wiz has indicated it **opposes/does not oppose** Orca's request for authorization to file a motion for additional discovery.

Counsel for the parties are available at the following times for a conference call with the panel:

- [TIMES]

Raghav Bajaj

LATHAM & WATKINS LLP

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From: Bajaj, Raghav (ATX)

Sent: Wednesday, February 19, 2025 8:01 PM

To: 'Argenti, Matthew' <margenti@wsgr.com>

Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>; Bruner, Nicole (DC) <Nicole.Bruner@lw.com>; Jaffe, Jordan <jjaffe@wsgr.com>; Zang, Lisa <lzang@wsgr.com>; WSGR - Orca Wiz <WSGR-Orca-Wiz@wsgr.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>

Subject: RE: Orca/Wiz - IPR Proceedings

Matt,

Regarding your question, we disagree that our assertion is conclusory. We provided the list of Bates numbers for your convenience, and the relevance of the documents to secondary considerations is explained in Orca's response to Wiz's interrogatory 11. For your reference, Orca's response to Wiz's interrogatory 11 has been excerpted and is attached. Please note that the response, while referencing Orca's product and information, is based exclusively on public documents or documents Wiz produced and that are in Wiz's possession (as opposed to Orca produced documents) and thus we understand you can review it as Wiz's counsel.

As you'll see in the response, the documents identified in our email and the interrogatory response include numerous documents in Wiz's possession describing and referencing, for example, Orca's SideScanning technology that embodies and practices the challenged claims of the challenged patents. Many of these documents also show Wiz's awareness of Orca's patents and the industry praise of Orca's patented technology.

Finally, we note that certain documents that are referenced in Orca's response to Wiz's interrogatory 11 appear to be duplicative of documents filed in the litigation, and thus Orca withdraws its request for production of these documents: WIZ_0649539, WIZ_0650915, WIZ_0658801, WIZ_0296576, WIZ_0296688, WIZ_0386512, WIZ_0487047, WIZ_0078636. To the extent that Wiz has any questions as to the relevance of any other particular documents to objective indicia of nonobviousness, we're happy to discuss that with you.

We look forward to your substantive response this week, as indicated.

Best regards,

Raghav

Raghav Bajaj

LATHAM & WATKINS LLP

300 Colorado St. | Suite 2400 | Austin, TX 78701

D: +1.737.910.7370

From: Argenti, Matthew <margenti@wsgr.com>
Sent: Tuesday, February 18, 2025 7:59 PM
To: Bajaj, Raghav (ATX) <Raghav.Bajaj@lw.com>
Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>; Bruner, Nicole (DC) <Nicole.Bruner@lw.com>; Jaffe, Jordan <jjaffe@wsgr.com>; Zang, Lisa <lzang@wsgr.com>; WSGR - Orca Wiz <WSGR-Orca-Wiz@wsgr.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>
Subject: RE: Orca/Wiz - IPR Proceedings

Raghav,

As you note, the production documents from the district court case have been archived by our vendor in view of the stay of that case. We expect to be in a position to review the documents and consider your request this week. Once we are able to do that we will provide a substantive response.

In the meantime, your broad assertion that the identified documents relate to objective indicia of non-obviousness is conclusory at best. Are you representing that in forming your production request you have reviewed these approximately 230 documents and determined that all relate to one or more of the categories of secondary considerations you list (copying, commercial success, or industry praise)?

As to the experts, including Dr. Kaeli, it remains premature to discuss providing expert witnesses with an opposing party's confidential information when no such documents have been produced or filed in these IPRs.

Regards,
Matt

Matthew A. Argenti
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: Raghav.Bajaj@lw.com <Raghav.Bajaj@lw.com>
Sent: Friday, February 14, 2025 3:03 PM
To: Argenti, Matthew <margenti@wsgr.com>
Cc: Blake.Davis@lw.com; Doug.Lumish@lw.com; Lucas.Lonergan@lw.com; Steven.Peters@lw.com; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>; Nicole.Bruner@lw.com; Jaffe, Jordan <jjaffe@wsgr.com>; Zang, Lisa <lzang@wsgr.com>; WSGR - Orca Wiz <WSGR-Orca-Wiz@wsgr.com>; Christopher.Henry@lw.com; Krissy.McKenna@lw.com
Subject: RE: Orca/Wiz - IPR Proceedings

EXT - raghav.bajaj@lw.com

Matt,

Thank you for speaking with me earlier today.

As we discussed, the parties can agree to additional discovery in IPR proceedings. 37 CFR 42.51(b)(2). To be clear, we are asking if Petitioner will agree that the Wiz documents identified in our email can be considered produced as additional

discovery in these IPR proceedings. Because these are documents from Wiz, Wiz can agree to their production without the district court's involvement or any district court protective order issues.

In our email, we had specifically referred to WIZ_0047896 and the Wiz-produced documents that are cited in Orca's response to Wiz's Interrogatory No. 11 in the District Court proceeding. Consistent with our conversation, and to reduce the burden on Wiz, we have attached here a list of the Bates numbers of the documents cited in Orca's response to Wiz's Interrogatory No. 11 that we are requesting that Wiz produce, along with WIZ_0047896 and three additional documents we have identified, WIZ_0004284, WIZ_0311919, and WIZ_0235019.

Based on our conversation, we understand that Wiz's counsel may have archived some of these documents. If easier, please let us know if you would like us to send them to you. Our suggestion, to minimize any burden on Wiz, would be to simply reuse in the IPRs the documents Wiz already produced in the district court that are in our possession, instead of requiring Wiz to re-produce those documents in these proceedings. If Wiz would rather reproduce the documents with new PTAB Bates numbers, that works for us too.

During our conversation you also asked us to explain the relevance of the requested documents. As you know, Wiz's IPRs rely exclusively on obviousness for all challenged claims. The documents we have identified are relevant to objective indicia of non-obviousness, including copying, commercial success, and industry praise, which must be considered in an obviousness analysis. The relevance of the documents for this purpose is also reflected in Wiz's Interrogatory No. 11, which asked Orca to "Describe with specificity and precision the facts and circumstances concerning Your contention that Wiz copied anything from, or related to, Orca including but not limited to the Asserted Patents, including an identification of all Documents supporting those contentions...."

Recognizing that Wiz's district court counsel and IPR counsel are the same law firm, we expect that you are in contact with district court counsel. In any event, we've also copied the attorneys from your firm that have appeared in the district court litigation to the extent you need their authorization. And, we have attached to this email an acknowledgment of the D. Ct. protective order executed by Dr. Kaeli, to the extent that is an issue.

Please let us know by Tuesday (2/18) if Wiz agrees to produce the documents as outlined above, and if Wiz's counsel (IPR or D. Ct. counsel) has any objections to Dr. Kaeli accessing and reviewing those documents.

Best regards,

Raghav

Raghav Bajaj

LATHAM & WATKINS LLP

300 Colorado St. | Suite 2400 | Austin, TX 78701
D: +1.737.910.7370

From: Bajaj, Raghav (ATX)

Sent: Friday, February 14, 2025 12:42 PM

To: 'Argenti, Matthew' <margenti@wsgr.com>; Bruner, Nicole (DC) <Nicole.Bruner@lw.com>

Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>

Subject: RE: Orca/Wiz - IPR Proceedings

Matt,

So that we understand your concerns, it may be best for us to discuss by phone — to that end, I left you a voicemail just now. Please call me at your convenience (737-910-7370 (office) or 202-683-7810 (mobile)).

Best regards,

Raghav

Raghav Bajaj

LATHAM & WATKINS LLP

300 Colorado St. | Suite 2400 | Austin, TX 78701

D: +1.737.910.7370

From: Argenti, Matthew <margenti@wsgr.com>

Sent: Thursday, February 13, 2025 7:25 PM

To: Bruner, Nicole (DC) <Nicole.Bruner@lw.com>

Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>; Bajaj, Raghav (ATX) <Raghav.Bajaj@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>

Subject: RE: Orca/Wiz - IPR Proceedings

Nicole,

It is our understanding that the interrogatory response identified in your email is designated confidential under the district court protective order. As you are likely aware, Wiz's IPR counsel are not counsel in the district court infringement case.

Moreover, your request to use confidential documents produced in the district court case for purposes outside that litigation effectively seeks relief from the district court protective order. Wiz's IPR counsel cannot provide the requested permission because we are not counsel in the district court case. Your request would be more properly directed to Wiz's district court team.

However, once any district court PO issues are resolved, to the extent any documents which have been given a confidentiality designation in the district court case will be filed in the IPRs we agree to a corresponding designation in the IPRs.

As to the experts, your email seems a bit premature at this stage. Dr. Kaeli's signed acknowledgement under the IPR protective order does not entitle him to review materials designated confidential under the district court protective order. As to Dr. Stavrou, his declaration addresses publicly available information and no confidential documents have been filed in the IPRs.

Regards,
Matt

Matthew A. Argenti

Wilson Sonsini Goodrich & Rosati

650 Page Mill Rd., Palo Alto, CA 94304

Direct: (650) 354-4154

Fax: (650) 493-6811

From: Nicole.Bruner@lw.com <Nicole.Bruner@lw.com>
Sent: Thursday, February 13, 2025 3:46 PM
To: Argenti, Matthew <margenti@wsgr.com>
Cc: Blake.Davis@lw.com; Doug.Lumish@lw.com; Christopher.Henry@lw.com; Lucas.Lonergan@lw.com; Steven.Peters@lw.com; Krissy.McKenna@lw.com; Raghav.Bajaj@lw.com; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>
Subject: RE: Orca/Wiz - IPR Proceedings

EXT - nicole.bruner@lw.com

Matt,

We are following up on the below. Please confirm whether Wiz will agree to Orca's use of the below-noted documents.

Regards,

Nicole Elena Bruner

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.654.7209 | M: +1.202.802.8093

From: Bruner, Nicole (DC)
Sent: Friday, February 7, 2025 8:15 PM
To: 'Argenti, Matthew' <margenti@wsgr.com>
Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>; Bajaj, Raghav (ATX) <Raghav.Bajaj@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>
Subject: RE: Orca/Wiz - IPR Proceedings

Matt,

Thank you for your confirmation. Relatedly, please let us know if Wiz agrees that Orca can use, in the PTAB proceedings and subject to the agreed PTAB protective order, WIZ_0047896 and the Wiz-produced documents that are cited in Orca's response to Wiz's Interrogatory No. 11 in the District Court proceeding. Those documents would be treated with the same level of confidentiality under the PTAB protective order as Wiz produced them in the District Court proceedings (i.e., CONFIDENTIAL and/or CONFIDENTIAL – ATTORNEYS' EYES ONLY).

Orca's expert, Dr. David Kaeli, is retained in this proceeding as an expert pursuant to paragraph 2(C) of the protective order. His signed Acknowledgment for Access to Protective Order Material is attached. Please let us know within 5 days if Wiz has any objections.

Please also confirm that Dr. Stavrou has reviewed the agreed Protective Order and send us his signed acknowledgment for access.

Best,
Nicole

Nicole Elena Bruner

LATHAM & WATKINS LLP

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From: Argenti, Matthew <margenti@wsgr.com>

Sent: Tuesday, January 28, 2025 11:33 AM

To: Bruner, Nicole (DC) <Nicole.Bruner@lw.com>

Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>; Bajaj, Raghav (ATX) <Raghav.Bajaj@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>

Subject: RE: Orca/Wiz - IPR Proceedings

Nicole,

Thank you for your email. We have the same understanding.

Regards,
Matt

Matthew A. Argenti

Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: Nicole.Bruner@lw.com <Nicole.Bruner@lw.com>

Sent: Monday, January 27, 2025 12:34 PM

To: Argenti, Matthew <margenti@wsgr.com>

Cc: Blake.Davis@lw.com; Doug.Lumish@lw.com; Christopher.Henry@lw.com; Lucas.Lonergan@lw.com; Steven.Peters@lw.com; Krissy.McKenna@lw.com; Raghav.Bajaj@lw.com; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>

Subject: RE: Orca/Wiz - IPR Proceedings

EXT - nicole.bruner@lw.com

Counsel,

In line with the parties' prior agreement, we write to confirm Orca's understanding that the parties will use the proposed protective order for all instituted IPRs, including the IPRs instituted for Patent Nos. 11,726,809, 11,740,926, and 11,775,326, which were instituted after the below exchange.

Regards,

Nicole Elena Bruner

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304
D: +1.202.654.7209 | M: +1.202.802.8093

From: Argenti, Matthew <margenti@wsgr.com>
Sent: Tuesday, January 7, 2025 8:22 PM
To: Bruner, Nicole (DC) <Nicole.Bruner@lw.com>
Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>; Bajaj, Raghav (ATX) <Raghav.Bajaj@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>
Subject: RE: Orca/Wiz - IPR Proceedings

Nicole,

We agree to using the proposed protective order in the instituted IPRs.

Regards,
Matt

Matthew A. Argenti
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: Argenti, Matthew
Sent: Monday, January 6, 2025 4:27 PM
To: Nicole.Bruner@lw.com; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>
Cc: Blake.Davis@lw.com; Doug.Lumish@lw.com; Christopher.Henry@lw.com; Lucas.Lonergan@lw.com; Steven.Peters@lw.com; Krissy.McKenna@lw.com; Raghav.Bajaj@lw.com
Subject: RE: Orca/Wiz - IPR Proceedings

Nicole,

Apologies for the delay. I expect to get you a substantive response tomorrow.

Regards,
Matt

Matthew A. Argenti
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650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: Nicole.Bruner@lw.com <Nicole.Bruner@lw.com>
Sent: Monday, January 6, 2025 7:04 AM
To: Argenti, Matthew <margenti@wsgr.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>
Cc: Blake.Davis@lw.com; Doug.Lumish@lw.com; Christopher.Henry@lw.com; Lucas.Lonergan@lw.com; Steven.Peters@lw.com; Krissy.McKenna@lw.com; Raghav.Bajaj@lw.com
Subject: RE: Orca/Wiz - IPR Proceedings

EXT - nicole.bruner@lw.com

Counsel,

We have not heard a response on the below. Please confirm whether Wiz agrees to the proposed protective order.

Regards,

Nicole Elena Bruner

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

D: +1.202.654.7209 | M: +1.202.802.8093

From: Argenti, Matthew <margenti@wsgr.com>

Sent: Friday, December 27, 2024 5:48 PM

To: Bruner, Nicole (DC) <Nicole.Bruner@lw.com>; Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>

Cc: Davis, Blake (Bay Area) <Blake.Davis@lw.com>; Lumish, Douglas (Bay Area) <Doug.Lumish@lw.com>; Henry, Christopher (BN) <Christopher.Henry@lw.com>; Lonergan, Lucas (Bay Area) <Lucas.Lonergan@lw.com>; Peters, Steven (DC) <Steven.Peters@lw.com>; McKenna, Krissy (BN) <Krissy.McKenna@lw.com>; Bajaj, Raghav (ATX) <Raghav.Bajaj@lw.com>

Subject: RE: Orca/Wiz - IPR Proceedings

Nicole,

Thank you for sending this over. We should be able to get back to you next week.

Regards,

Matt

Matthew A. Argenti

Wilson Sonsini Goodrich & Rosati

650 Page Mill Rd., Palo Alto, CA 94304

Direct: (650) 354-4154

Fax: (650) 493-6811

From: Nicole.Bruner@lw.com <Nicole.Bruner@lw.com>

Sent: Monday, December 23, 2024 1:35 PM

To: Derryberry, Wes <wderryberry@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Baillargeon, Joe <jbailargeon@wsgr.com>; Argenti, Matthew <margenti@wsgr.com>

Cc: Blake.Davis@lw.com; Doug.Lumish@lw.com; Christopher.Henry@lw.com; Lucas.Lonergan@lw.com; Steven.Peters@lw.com; Krissy.McKenna@lw.com; Raghav.Bajaj@lw.com

Subject: Orca/Wiz - IPR Proceedings

EXT - nicole.bruner@lw.com

Counsel,

Please find attached the proposed protective order for the IPR proceedings along with a redline comparison to the default protective order. We have prepared this document in anticipation that Orca's PORs will involve the submission

of confidential and/or Attorneys' Eyes Only (AEO) information. The additional language included in the proposed protective order is drawn from the protective order filed in the parties' action in the District of Delaware.

While the attached proposal references the proceeding for the '031 patent, Orca intends for this proposal to be used for all instituted IPRs.

Please review the attached documents at your earliest convenience and confirm whether Wiz agrees to the proposal.

Regards,

Nicole Elena Bruner

LATHAM & WATKINS LLP

555 Eleventh Street, NW | Suite 1000 | Washington, D.C. 20004-1304

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