Baillargeon, Joe

From: Argenti, Matthew
Sent: Tuesday, February 25, 2025 2:26 PM
To: Trials
Cc: Raghav.Bajaj@lw.com; Rosato, Michael; Derryberry, Wes; Baillargeon, Joe; Christopher.Henry@lw.com; Krissy.McKenna@lw.com; Doug.Lumish@lw.com; Blake.Davis@lw.com; Steven.Peters@lw.com; Lucas.Lonergan@lw.com; Nicole.Bruner@lw.com
Subject: RE: IPR2024-00863, IPR2024-00864, IPR2024-00865, IPR2024-01109, IPR2024-01190, IPR2024-01191 - Patent Owner's Request for Authorization to File a Motion for Additional Discovery

Dear Board,

In advance of the call, I include below Petitioner's stated response, which Patent Owner did not include in their email.

Respectfully,

Matthew A. Argenti
Counsel for Petitioner Wiz, Inc.
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, February 24, 2025 9:13 PM
> **To:** Raghav.Bajaj@lw.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 jbaillargeon@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
>
> 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

Wiz - EXHIBIT 1113
Wiz, Inc. v. Orca Security Ltd.
IPR2024-00865

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
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Direct: (650) 354-4154
Fax: (650) 493-6811

From: Trials <Trials@USPTO.GOV>
Sent: Tuesday, February 25, 2025 10:53 AM
To: Raghav.Bajaj@lw.com; Argenti, Matthew <margenti@wsgr.com>; Rosato, Michael <mrosato@wsgr.com>; Derryberry, Wes <wderryberry@wsgr.com>; Baillargeon, Joe <jbaillargeon@wsgr.com>; Christopher.Henry@lw.com; Krissy.McKenna@lw.com; Doug.Lumish@lw.com; Blake.Davis@lw.com; Steven.Peters@lw.com; Lucas.Lonergan@lw.com; Nicole.Bruner@lw.com
Cc: Trials <Trials@USPTO.GOV>
Subject: RE: IPR2024-00863, IPR2024-00864, IPR2024-00865, IPR2024-01109, IPR2024-01190, IPR2024-01191 - Patent Owner's Request for Authorization to File a Motion for Additional Discovery

EXT - trials@uspto.gov

Counsel,

A conference call has been scheduled for 3:30 pm ET **tomorrow**, February 26, 2025. The dial in number is 540-566-5633 and the conference ID is 114963542#.

Regards,

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

From: Raghav.Bajaj@lw.com <Raghav.Bajaj@lw.com>
Sent: Tuesday, February 25, 2025 10:42 AM
To: Trials <Trials@USPTO.GOV>
Cc: margenti@wsgr.com; mrosato@wsgr.com; wderryberry@wsgr.com; jbaillargeon@wsgr.com; Christopher.Henry@lw.com; Raghav.Bajaj@lw.com; Krissy.McKenna@lw.com; Doug.Lumish@lw.com; Blake.Davis@lw.com; Steven.Peters@lw.com; Lucas.Lonergan@lw.com; Nicole.Bruner@lw.com
Subject: IPR2024-00863, IPR2024-00864, IPR2024-00865, IPR2024-01109, IPR2024-01190, IPR2024-01191 - Patent Owner's Request for Authorization to File a Motion for Additional Discovery

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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 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:

- Wednesday, February 26, between 3:00 PM and 5:00 PM Eastern
- Friday, February 28, between 11:30 AM and 1:00 PM Eastern

Best regards,

Raghav Bajaj
Counsel for Patent Owner

Raghav Bajaj

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