

From: [Chris Kelly](#)
To: [Trials](#)
Cc: [Matthew Phillips](#); [Kevin Laurence](#); [Dan Higgs](#); ["Derek Meeker"](#); ["Joseph Hawkins"](#); [Gregory Carlin](#); [Warren Thomas](#); [Lee Hamilton](#)
Subject: Request for Conference Call // IPR2024-01209, -01210, -01211, -01212
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Attachments: [image001.png](#)
[Ex1036 Petitioner's Requests for Production.docx](#)

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Dear Board:

Petitioner and Patent Owner in the above-referenced IPRs jointly request a conference call to discuss two issues, which the parties have summarized below.

Petitioner's Motion for Additional Discovery

Petitioner requests permission to file a motion for additional discovery. Petitioner has served the attached requests for production (RFPs) on Patent Owner and the parties have met and conferred regarding those RFPs per the Board's Scheduling Order (Paper 9 at p. 4). Patent Owner's position with respect to Petitioner's RFPs is as follows:

- RFPs 1-2: Patent Owner will provide only annual gross revenue for each of the needle and probe separately.
- RFP 3: Patent Owner will not provide the requested documents.
- RFP 4: Patent Owner will provide the requested information.
- RFP 5: Patent Owner will provide only one sample of the device.
- RFP 6: Patent Owner will provide only the completed application provided to Deloitte.
- RFP 7: Patent Owner will provide only the completed questionnaire provided to Pepperdine.

Petitioner intends to seek discovery of documents responsive to the full scope of its RFPs and therefore requests permission to file its motion for additional discovery.

Deposition of Patent Owner's Expert Witness (Prof. Marc Russo)

The parties also seek the Board's guidance regarding the location and form of the deposition for one of Patent Owner's expert witnesses (Prof. Russo). Patent Owner requests that the deposition occur by video conference with Prof. Russo at his home in Australia. Petitioner requests that Prof. Russo be made available for deposition in the United States. The parties are glad to explain their respective concerns to the Board

during any conference call or provide additional detail in advance of the call.

Petitioner and Patent Owner are available for a call with the Board at the following times:

- **Monday, June 23:** 12:00 p.m. - 5:30 p.m.
- **Tuesday, June 24:** 2:00 p.m. - 5:00 p.m.
- **Thursday, June 26:** 10:00 a.m – 12:00pm and 2:30 p.m - 5:00 p.m.

Best regards,

Chris Kelly

Lead Counsel for Petitioner Avanos Medical, Inc.

Matt Phillips

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