
From: Searle, Anna
Sent: Friday, November 22, 2024 9:00 AM
To: 'Mikhail V Matz' <matz@utexas.edu>
Subject: RE: IDT - Tecan Case follow-up

Hi Misha,

Completely understand. We've really enjoyed working with you and want to do everything we can to minimize any burden on you. Do you have a few minutes for a quick phone call today to clarify?

Thanks,
Anna

Anna Searle
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She, her, hers

From: Mikhail V Matz <matz@utexas.edu>

Sent: Friday, November 22, 2024 2:39 AM

To: Searle, Anna <asearle@wc.com>

Subject: Re: IDT - Tecan Case follow-up

Hi Anna - Well I have to say this doesn't sound like fun anymore. This is not my fight. I'd greatly appreciate if you keep me out of this from now on.

Misha

On Thu, Nov 21, 2024 at 3:58 PM Searle, Anna <asearle@wc.com> wrote:

Hi Misha,

Thank you again for the discussion earlier this week and over the past few months. As a reminder, we have two different legal proceedings. We have filed a petition with the US Patent Office seeking to cancel Tecan's patents in view of the fact that you and your colleagues published on these ideas first in the Meyer article. It will take several months for us to know what the Patent Office does with that petition, but if our petition is successful, the patent will be canceled and the disputes will be over.

In the meantime, there is the case filed by Tecan pending in the court in Delaware. In that proceeding, the evidence rules are different—it is not just about what was published, but also about what was done in the lab, as memorialized by notebooks, lab meeting slides, etc. Given that we think your paper shows you did this research first, we hope that your notebooks would provide a second, stronger argument showing that Tecan was not first.

In a US court proceeding like this one, it is possible to request evidence from third parties like yourself via a type of court order called a subpoena for records. Given how helpful you have been in explaining your work to us, we want to minimize any inconvenience this will cause you. In these situations, we typically speak first with the individual or organization's lawyer so that we do not seek a subpoena that is too broad or difficult. Is there someone you typically work with that we can contact to discuss these logistics? If not, we have a contact in the University's legal department, but we wanted to check in with you first.

Thanks,
Anna

Anna Searle

Williams & Connolly LLP

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cheers

Misha

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