From: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>
Sent: Friday, July 25, 2025 9:17 AM
To: Beavers, Timothy James; Cipriano, Linnea P; DG-Goodwin-Tecan; Weingaertner, Scott T; Padro, John P
Cc: Berniker, Jessamyn; Fletcher, Thomas; Vincent, Nicholas; Searle, Anna; Danaher-IDT
Subject: RE: IPR2025-00015 and -00016

EXTERNAL
TJ,

You still have not provided us with your agreement with Dr. Matz, even though we have provided you with ours. Please immediately provide your agreement with Dr. Matz and the date on which you first contacted him. Are you refusing to provide us with this information? And if so, on what basis?

With respect to our communications with Dr. Matz, you say in your email that "Dr. Matz's testimony concerns his own publication and public representations made by IDT of that work, it is not clear how his testimony implicates confidential information." You seem to be suggesting that our communications with Dr. Matz cannot be confidential. Is it your view that Goodwin's communications with Dr. Matz are confidential?

We are not under any obligation to provide you with further information about our communications with Dr. Matz at this time. We have told you that our communications with Dr. Matz were substantive and relate to this proceeding, and you have provided no basis to contest this representation. We will not provide further information regarding our communications with Dr. Matz prior to raising this issue with the Board. To the extent that the Board requires further evidence that the communications are substantive, we will request leave to provide them to the Board *in camera* consistent with the *Galderma* case cited in our prior email.

We have asked for your position on withdrawing Dr. Matz's testimony and for a meet and confer on this issue repeatedly since Tuesday. You have refused to provide your position on our requested relief and seem to be refusing to meet and confer on this issue telephonically although that is required by the Trial Practice Guide. If you do not provide your position and your availability to confer, we will be forced to seek a teleconference with the Board and indicate that you refused to do so.

Best,
Kevin

Kevin Hoagland-Hanson
Williams & Connolly LLP
680 Maine Avenue SW, Washington, DC 20024
(P) 202-434-5111 | KHoagland-Hanson@wc.com | vcard

From: Beavers, Timothy James <TBeavers@goodwinlaw.com>
Sent: Thursday, July 24, 2025 5:43 PM
To: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>; Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>; Padro, John P <JPadro@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: RE: IPR2025-00015 and -00016

Hi Kevin,

Per the cases you circulated, "[d]isqualification of an expert is a drastic measure [the PTAB hesitates] to impose except when absolutely necessary." *Agila Specialities Inc. v. Cephalon, Inc.*, IPR2015-00503, Paper 13 at 4 (P.T.A.B. 2015). To make such a request, IDT bears the burden to identify the specific confidential information Dr. Matz received from W&C and its relevance to the issues in the IPRs:

> As the proponent of the disqualification motion, Patent Owner bears the burden to establish that both prongs of the test are met. *See* 37 C.F.R. §42.20(c). As we explained during the conference, we will not disqualify an expert based on conclusory statements. Instead, Patent Owner must support its motion with specific evidence and on-point legal authorities. For example, Patent Owner must explain why it had a confidential relationship with Dr. Suryanarayanan even though it admittedly entered the alleged consulting agreement with the University of Minnesota. Patent Owner also must explain how the alleged analysis of its bendamustine hydrochloride formulations is relevant to the issues in this proceeding, i.e., whether claims 1, 4, and 7, would have been obvious over Rote Liste and Teagarden and whether claims 4 and 7 are anticipated by Rote Liste.

Id. at 4-5.

Rather than provide the required disclosures, you have only shared conclusory statements that you "had confidential substantive communications with Dr. Matz regarding the subject matter of these proceedings." The cases you circulated indicate that is insufficient. We will need this information to assess your concerns and how they might be resolved. Please share this information immediately. In particular:

- Please let us know what confidential information was shared, when, and how it relates to the specific issues and prior art in the IPR. Given that Dr. Matz's testimony concerns his own publication and public representations made by IDT of that work, it is not clear how his testimony implicates confidential information.

- Please also let us know when you spoke to Dr. Matz, how many times, when your relationship with Dr. Matz concluded, and how much he invoiced. If there are accompanying invoices or communications, please share those with us. To the extent you have concerns in sharing such information, we direct you to *Agila*, IPR2015-00503, Paper 13 at 5.

Thank you,
TJ

Timothy Beavers
he/him/his

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From: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>
Sent: Wednesday, July 23, 2025 8:07 PM
To: Beavers, Timothy James <TBeavers@goodwinlaw.com>; Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>; Padro, John P <JPadro@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: RE: IPR2025-00015 and -00016

EXTERNAL
TJ,

We provided our agreement with Dr. Matz to you. Please provide the agreement you refer to in your email, as well as the date on which you first contacted Dr. Matz.

As for your request for additional information regarding our communications with Dr. Matz, as we have already explained, we had confidential substantive communications with Dr. Matz regarding the subject matter of these proceedings. We do not understand what additional information you require to determine that Dr. Matz cannot offer testimony in this matter.

We are reiterating our request that you agree to withdraw Dr. Matz's testimony, or provide your availability to confer on this issue immediately.

Best,
Kevin

Kevin Hoagland-Hanson
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From: Beavers, Timothy James <TBeavers@goodwinlaw.com>
Sent: Wednesday, July 23, 2025 3:48 PM
To: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>; Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>; Padro, John P <JPadro@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: RE: IPR2025-00015 and -00016

Hi Kevin,

We will look into these cases, but in the meantime, please let us know what confidential information was provided by W&C to Dr. Matz and how that information is relevant to the IPR proceedings. We are not aware of what that information might be nor does your email identify what it is. As we understand it, the materials at issue in the IPRs relate to his public information (the Meyer publication) and his declaration relates only to those public materials, so we will need more specificity to understand your concerns.

We note that this situation also presents potential prejudice to Tecan as it has an agreement with Dr. Matz, who confirmed he had no conflict or related obligations before submitting the declaration in question.

Again, we will have to consult with our client before conferring, so the sooner you can share this with us the sooner we can find a time to discuss.

Thank you,
TJ

Timothy Beavers
he/him/his

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From: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>
Sent: Wednesday, July 23, 2025 2:10 PM
To: Beavers, Timothy James <TBeavers@goodwinlaw.com>; Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>; Padro, John P <JPadro@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: RE: IPR2025-00015 and -00016

EXTERNAL
TJ,

Dr. Matz's conflict of interest compels his disqualification here because Dr. Matz was retained to consult on the same issues on which he is purporting to offer testimony and he received confidential information from W&C relating to this proceeding. *See, e.g.*, *Galderma S.A. v. Medy-Tox, Inc.*, PGR2019-00062, Paper 56 (Feb. 11, 2021); *Agila Specialties Inc. v. Cephalon, Inc.*, IPR 2015-00503, Paper 13 (Aug. 19, 2015).

This matter is exigent because the prejudice to IDT is continuing. Please provide your availability to confer on this issue today.

Best,
Kevin

Kevin Hoagland-Hanson
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From: Beavers, Timothy James <TBeavers@goodwinlaw.com>
Sent: Wednesday, July 23, 2025 10:43 AM
To: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>; Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>;

Padro, John P <JPadro@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: RE: IPR2025-00015 and -00016

Hi Kevin,

We are investigating and will respond once we have spoken to our client. In the meantime, to the extent you have authority on withdrawing the declaration Tecan submitted, please share that with us.

Thank you,
TJ

Timothy Beavers
he/him/his

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From: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>
Sent: Tuesday, July 22, 2025 12:25 PM
To: Beavers, Timothy James <TBeavers@goodwinlaw.com>; Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>; Padro, John P <JPadro@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: RE: IPR2025-00015 and -00016

EXTERNAL
Counsel,

In May 2024, Dr. Matz entered into an agreement, attached, with Williams & Connolly on behalf of IDT concerning the patent litigation between Tecan and IDT. Williams & Connolly had multiple confidential communications with Dr. Matz concerning the subject matter of these proceedings, for which Dr. Matz invoiced Williams and Connolly and IDT under the consulting agreement. Under that consulting agreement, Dr. Matz agreed not to work for any other person or organization in connection with this matter.

In view of this, we assume that Tecan will withdraw Dr. Matz's declaration and will amend its POR and Dr. Bustamante's declaration to remove any reference to Dr. Matz's declaration. Please confirm today that Tecan will do so. If Tecan is not willing to do so, please provide your availability to confer tomorrow, July 23, as we intend to raise this issue with the Board this week.

Best,
Kevin

Kevin Hoagland-Hanson
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From: Beavers, Timothy James <TBeavers@goodwinlaw.com>
Sent: Monday, July 21, 2025 10:03 PM
To: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>; Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>; Padro, John P <JPadro@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: RE: IPR2025-00015 and -00016

Hi Kevin,

It is not clear what you are seeking. As set forth in Friday's submissions, Dr. Matz's declaration speaks for itself and sets out his qualifications, expertise, and personal knowledge on the topics and issues set forth in his declaration. To the extent you are inquiring about a deposition, we can confirm that Dr. Matz will also be made available for deposition on this declaration (at a mutually agreeable time and location). We will follow up with dates in due course.

Thank you,
TJ

Timothy Beavers
he/him/his

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From: Hoagland-Hanson, Kevin <KHoagland-Hanson@wc.com>
Sent: Monday, July 21, 2025 1:25 PM
To: Cipriano, Linnea P <LCipriano@goodwinlaw.com>; DG-Goodwin-Tecan <DG-GoodwinTecan@goodwinlaw.com>; Weingaertner, Scott T <SWeingaertner@goodwinlaw.com>; Padro, John P <JPadro@goodwinlaw.com>; Beavers, Timothy James <TBeavers@goodwinlaw.com>
Cc: Berniker, Jessamyn <JBerniker@wc.com>; Fletcher, Thomas <TFletcher@wc.com>; Vincent, Nicholas <nvincent@wc.com>; Searle, Anna <asearle@wc.com>; Danaher-IDT <Danaher-IDT@wc.com>
Subject: IPR2025-00015 and -00016

EXTERNAL
Counsel,

We have reviewed the declaration from Dr. Mikhail Matz that you submitted as Ex. 2039 in IPR2025-00015 and IPR2025-00016. Please confirm today that Tecan is offering Dr. Matz as an expert witness in these proceedings.

Best,
Kevin

Kevin Hoagland-Hanson
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