James Murphy

From: James Murphy
Sent: Wednesday, February 18, 2026 2:29 PM
To: 'Tobin, David'; 'Sitzman, Mike'; 'Best, Tim'; 'Raymond.Miller'; 'Endejann, Nicole'; 'Shook, Allison'
Cc: Mark Deming; Chad Landmon; Corey Casey
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Cartt, Hale, and Mitchnick

Counsel,

We have not heard from you on scheduling these depositions which are required as routine discovery under 37 CFR §42.51(b)(1)(ii). If Patent Owner refuse to make the witnesses available then let us know if you agree to our alternative proposal to strike as presented in the previous email. We are available to discuss by phone if helpful as well.

Regards,

James Murphy
Shareholder

jpmurphy@polsinelli.com
713.374.1631
1000 Louisiana Street
Sixty-Fourth Floor
Houston, TX 77002
polsinelli.com

Polsinelli PC, Polsinelli LLP in California

From: James Murphy
Sent: Thursday, February 12, 2026 10:41 AM
To: 'Tobin, David' <dtobin@mcdermottlaw.com>
Cc: Sitzman, Mike <msitzman@mcdermottlaw.com>; Best, Tim <tbest@mcdermottlaw.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mcdermottlaw.com>; Mark Deming <MDeming@Polsinelli.com>; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Cartt, Hale, and Mitchnick

Hi David,

We do not agree to cancel the depositions while Patent Owner's arguments regarding the alleged JRA are still of record in the IPRs. While the Board order negates Patent Owner's arguments related to the JRA, we are cognizant of the fact that Patent Owner may attempt to challenge the Board's findings in a future appeal and thus we must still develop the record.

To alleviate this concern, would Patent Owner agree to seek approval by the Board to file a joint motion to strike the portions of Patent Owner's responses directed to the JRA (i.e., Section VIII of Patent Owner's responses) and all the supporting exhibits including the three non-expert declarations (exhibits 2030-2038 and 2040-2047). If

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these arguments and evidence were stricken from the record then we agree that no depositions of the three non-expert witnesses would be needed in the IPRs.

Regards,

James Murphy
Shareholder

jpmurphy@polsinelli.com
713.374.1631
1000 Louisiana Street
Sixty-Fourth Floor
Houston, TX 77002
polsinelli.com

Polsinelli PC, Polsinelli LLP in California

From: Tobin, David <dtobin@mcdermottlaw.com>
Sent: Tuesday, February 10, 2026 4:22 PM
To: James Murphy <jpmurphy@polsinelli.com>
Cc: Sitzman, Mike <msitzman@mcdermottlaw.com>; Best, Tim <tbest@mcdermottlaw.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mcdermottlaw.com>; Mark Deming <MDeming@Polsinelli.com>; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Cartt, Hale, and Mitchnick

EXTERNAL EMAIL **dtobin@mcdermottlaw.com**

Dear Counsel,

In view of the Board's February 6 order on the motion for leave (Paper 36), we are cancelling plans for the depositions of the three non-expert, third parties that we previously discussed.

Regards,
David

David Tobin
Partner

T: +1 214 210 2793
dtobin@mcdermottlaw.com | LinkedIn

McDermott Will & Schulte LLP | mcdermottlaw.com
2801 North Harwood Street | Suite 2600 | Dallas, TX 75201 | USA

From: James Murphy <jpmurphy@polsinelli.com>
Sent: Wednesday, February 4, 2026 2:06 PM
To: Tobin, David <dtobin@mcdermottlaw.com>
Cc: Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mcdermottlaw.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mcdermottlaw.com>; mdeming@polsinelli.com; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Cartt, Hale, and Mitchnick

[External Email]
David,

Those proposed dates/times can work for us. Please confirm with the witnesses and we will prepare the deposition notices. We intend to take these three depositions remotely but understand that you may be physically present with the witness.

Regards,

James Murphy
Shareholder

jpmurphy@polsinelli.com
713.374.1631
1000 Louisiana Street
Sixty-Fourth Floor
Houston, TX 77002
polsinelli.com

Polsinelli PC, Polsinelli LLP in California

From: Tobin, David <dtobin@mcdermottlaw.com>
Sent: Monday, February 2, 2026 6:16 PM
To: James Murphy <jpmurphy@polsinelli.com>
Cc: Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mcdermottlaw.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mcdermottlaw.com>; Mark Deming <MDeming@Polsinelli.com>; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Cartt, Hale, and Mitchnick

EXTERNAL EMAIL **dtobin@mcdermottlaw.com**

Dear James,

At present, the witnesses you requested are available as follows:

- **Steve Cartt:** March 5 or March 6. Mr. Cartt is on Pacific time.
- **David Hale:** March 4. Mr. Hale is on Pacific time.

- **Mark Mitchnick:** March 4. Dr. Mitchnick is on East Coast time.

We may defend some or all of the above inventors in-person, but we will make sure that the conference room has a Zoom setup so that you can attend remotely if you prefer.

To avoid double-tracking depositions, we propose the following:

- **Mark Mitchnick:** Deposition starts March 4 at 9:00 am EST and concludes by 2:00 pm EST.
- **David Hale:** Deposition starts March 4 at 12:30 pm PST and concludes by 5:30 pm PST.
- **Steve Cartt:** Deposition starts either at 9:00 am PST or 1:00 pm PST (on March 5 or March 6) and concludes five hours later.

Given the extremely narrow scope of the declarations submitted by each witness and the restrictions set forth in 37 C.F.R. § 42.53(d)(5)(ii) , the above proposal should provide ample time for the depositions.

Please let us know if the above proposal and dates/times work for your team so that we can confirm the dates and times with the witnesses.

Thanks,
David

David Tobin
Partner

T: +1 214 210 2793
dtobin@mcdermottlaw.com | LinkedIn

McDermott Will & Schulte LLP | mwe.com
2801 North Harwood Street | Suite 2600 | Dallas, TX 75201 | USA

From: Tobin, David
Sent: Friday, January 23, 2026 5:25 PM
To: James Murphy <jpmurphy@polsinelli.com>
Cc: Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mwe.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mwe.com>; 'mdeming@polsinelli.com' <mdeming@polsinelli.com>; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Dr. Marc Brown

James,

Thanks for the additional discussion. We can host the deposition of Dr. Brown in our Dallas office (address below) on March 17-18. Please send a notice of deposition when available.

Attached is a draft notice of stipulation that moves Due Dates 2 and 3 by a week. Let us know if you approve, and we can file on Monday.

Regards,
David

David Tobin
Partner

T: +1 214 210 2793 | **F:** +1 972 232 3098
dtobin@mwe.com | LinkedIn

McDermott Will & Schulte LLP | mwe.com
2801 North Harwood Street, Suite 2600, Dallas, TX 75201

From: Tobin, David
Sent: Friday, January 23, 2026 10:12 AM
To: 'James Murphy' <jpmurphy@polsinelli.com>
Cc: Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mwe.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mwe.com>; mdeming@polsinelli.com; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Dr. Marc Brown

Hi James,

To follow-up on our call, February 25-27 is not good. We can present Dr. Brown in Dallas on March 17-18. Please confirm promptly whether March 17-18 works for your team.

We're checking with the other three witnesses and will get you dates as soon as we can.

Regards,
David

David Tobin
Partner

T: +1 214 210 2793 | **F:** +1 972 232 3098
dtobin@mwe.com | LinkedIn

McDermott Will & Schulte LLP | mwe.com
2801 North Harwood Street, Suite 2600, Dallas, TX 75201

From: James Murphy <jpmurphy@polsinelli.com>
Sent: Tuesday, January 20, 2026 3:29 PM
To: Tobin, David <dtobin@mwe.com>
Cc: Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mwe.com>; Raymond.Miller

<Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mwe.com>; mdeming@polsinelli.com; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Dr. Marc Brown

[External Email]
Hi David,

We are not available to depose Dr. Brown on February 18-19 but can do so between February 25-27 if that works on your end. We plan to take Dr. Brown's deposition in person with either Dallas or LA being fine, but would prefer Dallas if possible.

We would also like to schedule the deposition of the three other declarants: Mr. Cartt, Dr. Mitchnick, and Mr. Hale. We would propose taking all three the week of March 2 with each being a single day. We plan to take these depositions remotely. Let us know if these dates work or what alternative dates would work for each of the declarants.

Regards,

James Murphy
Shareholder

jpmurphy@polsinelli.com
713.374.1631
1000 Louisiana Street
Sixty-Fourth Floor
Houston, TX 77002
polsinelli.com

Polsinelli PC, Polsinelli LLP in California

From: Tobin, David <dtobin@mwe.com>
Sent: Tuesday, January 20, 2026 10:33 AM
To: James Murphy <jpmurphy@polsinelli.com>; Mark Deming <MDeming@Polsinelli.com>; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Cc: Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mwe.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mwe.com>
Subject: RE: IPR2025-00464, -465, -466 | Proposed deposition dates for Dr. Marc Brown

EXTERNAL EMAIL **dtobin@mwe.com**

Dear Counsel,

In view of the international travel and other commitments, we need to firm up the dates soon. Please let us know if we should reserve February 18-19 under the protocols below.

Regards,
David

David Tobin
Partner

T: +1 214 210 2793 | **F:** +1 972 232 3098
dtobin@mwe.com | LinkedIn

McDermott Will & Schulte LLP | mwe.com
2801 North Harwood Street, Suite 2600, Dallas, TX 75201

From: Tobin, David
Sent: Thursday, January 15, 2026 4:08 PM
To: James Murphy <jpmurphy@polsinelli.com>; 'mdeming@polsinelli.com' <mdeming@polsinelli.com>; Chad Landmon <clandmon@polsinelli.com>; Corey Casey <CCasey@Polsinelli.com>
Cc: Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mwe.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Shook, Allison <ashook@mwe.com>
Subject: IPR2025-00464, -465, -466 | Proposed deposition dates for Dr. Marc Brown

Dear Counsel,

We write regarding IPR2025-00464, -465, and -466 to discuss scheduling and logistics for the deposition of Dr. Marc Brown. To the extent you plan to request a deposition, we would like to firm up the dates as soon as possible, as deposition will likely involve international travel for Dr. Brown.

Similar to how the deposition for Dr. Donovan was conducted, we propose that Dr. Brown's deposition for all three proceedings (IPR2025-464, -465, and -466) be consolidated and taken concurrently. The total deposition time shall be ten hours for cross-examination and any re-cross examination. The parties will agree on a reasonable stopping time on Day 1 and, if needed, continue the deposition the following morning on Day 2.

We will defend Dr. Brown's deposition in-person at McDermott's offices, either in Dallas or Los Angeles (depending on the date). You are welcome to take the deposition in-person, or if you prefer, we could connect you for a remote deposition.

We propose that the deposition take place February 18-19. Those dates work best for us and the witness.

Can you please confirm that these dates work for you?

Regards,
David

David Tobin
Partner

T: +1 214 210 2793 | **F:** +1 972 232 3098
dtobin@mwe.com | LinkedIn

McDermott Will & Schulte LLP | mwe.com
2801 North Harwood Street, Suite 2600, Dallas, TX 75201

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