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Cc: [Corey Casey](#); [Sitzman, Mike](#); [Best, Tim](#); [Raymond.Miller](#); [Endejann, Nicole](#); [Tobin, David](#); [Chad Landmon](#); [Mark Deming](#)
Subject: IPR2025-00464, -465, -466: Petitioner's Request for Authorization to File a Motion to Strike Declarations
Date: Thursday, February 26, 2026 12:10:25 PM

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Dear Honorable Board,

Petitioner requests authorization to file a motion to strike the declarations of Messrs. Cartt, Mitchnick and Hale in the above referenced IPRs given Patent Owner's refusal to permit the declarants' deposition in these IPR proceedings pursuant to 37 CFR §42.51(b)(1)(ii). Patent Owner opposes and requests the opportunity to file an opposition in the event the Board grants Petitioner's request to file such a motion.

On February 2nd, Petitioner accepted Patent Owner's proposed deposition dates for these witnesses but on February 10th, Patent Owner notified Petitioner that it was cancelling the depositions. Patent Owner indicated that it does not see any basis for Petitioner taking these depositions in these IPR proceedings in view of the Board's February 6th Order denying leave to file a certificate of correction and because Petitioner can depose these witnesses in the underlying litigation (and use the deposition transcripts from the litigation in this proceeding). Petitioner does not believe either the Board's February 6th Order or the availability of depositions in the underlying litigation absolves Patent Owner of its obligations in the IPR under 37 CFR §42.51(b)(1)(ii). Not only is Patent Owner seeking Director review of the February 6th Order, but the litigation schedule does not align with the schedule in this proceeding. In addition, protective orders issued in this IPR and the litigation creates logistical issues making Patent Owner's proposal unworkable. The parties continued correspondence on this issue has not led to any resolution.

Regards,

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