

From: [Trials](#)
To: [James Murphy](#); [Trials](#)
Cc: [Corey Casey](#); [Sitzman, Mike](#); [Best, Tim](#); [Raymond.Miller](#); [Endejann, Nicole](#); [Tobin, David](#); [Chad Landmon](#); [Mark Deming](#)
Subject: RE: IPR2025-00464, -465, -466: Petitioner's Request for Clarification on Authorization to File a Motion to Strike Declarations
Date: Thursday, April 2, 2026 2:34:54 PM
Attachments: [image001.png](#)

Counsel,

We authorize Petitioner's filing of a motion to strike the three declarations as set forth in the Board's March 9, 2026, Order. That Order is modified as follows:

- Petitioner's opening brief in support of the motion to strike will be due no later than April 6, 2026, and must not exceed 10 pages;
- Patent Owner may file an opposition to that motion, which will be due no later than April 13, 2026, and must not exceed 10 pages; and
- Petitioner may file a reply in support of its motion, which will be due no later than April 20, 2026, and must not exceed 5 pages.

In their papers, the parties should brief the relevant timing issues related to the depositions that were sought (e.g., when dates were initially proposed, agreed-to, withdrawn, and/or refused). Moreover, given Patent Owner's apparent offer of April 29, May 5, and May 7 as dates for deposition, the parties should address how such deposition testimony can be used in the proceeding now that Petitioner's opportunity to take and cite that testimony in its Reply, which has now been filed, has expired.

The parties may request a conference call with the Board if they believe such a call is needed.

Regards,

Andrew Kellogg,
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Patent Trial and Appeal Board
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From: James Murphy <jpmurphy@polsinelli.com>

Sent: Wednesday, April 1, 2026 2:13 PM

To: Trials <Trials@USPTO.GOV>

Cc: Corey Casey <CCasey@Polsinelli.com>; Sitzman, Mike <msitzman@mwe.com>; Best, Tim <tbest@mwe.com>; Raymond.Miller <Raymond.Miller@us.dlapiper.com>; Endejann, Nicole <Nicole.Endejann@us.dlapiper.com>; Tobin, David <dtobin@mwe.com>; Chad Landmon <clandmon@polsinelli.com>; Mark Deming <MDeming@Polsinelli.com>

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Dear Honorable Board,

The parties dispute whether Petitioner has Board authorization to file a motion to strike three declarations based on the Board's March 9, 2026 order. Petitioner seeks clarification that it has authorization to file the motion to strike.

After the Board denied Patent Owner's rehearing request on March 20, 2026, the parties conferred about available dates to depose the three witnesses noted in the Board's March 9, 2026 order. Patent Owner offered the dates of April 29, May 5, and May 7 for the three depositions. Petitioner informed Patent Owner those dates are not feasible in view of the schedule for these proceedings to depose the witness before the Petitioner Reply and requested earlier dates to permit such. Petitioner has now filed its Reply without being able to depose the witnesses and thus seeks to file the aforementioned motion to strike.

Patent Owner requested the following statement be added to this email:

"Patent Owner has met and conferred with Petitioner and provided deposition dates for the third-party declarants. Accordingly, Patent Owner opposes striking any of the third-party declarations. Patent Owner has not seen a draft email prior to Petitioner sending it to the Board."

Regards,

James Murphy

Shareholder

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