Argenti, Matthew

From: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Sent: Friday, March 27, 2026 9:26 AM
To: Argenti, Matthew; Trials
Cc: McCammon, Luke; Howarth, Kyle; Magdun, Melanie; Rosato, Michael; Medley, Patrick; Thomas, Tasha
Subject: RE: IPR2025-00818, -00819, -00820, -00821

EXT - charles.collins-chase@finnegan.com

Dear Honorable Board,

Petitioner opposes Patent Owner's untimely request outside its discovery period for sealed documents from a separate proceeding (IPR2022-01214) involving different parties and a different patent. Patent Owner contends that the requested discovery relates to its arguments that: (1) Bay Materials should have been listed as a real party in interest; and (2) Petitioner's statements are allegedly inconsistent with statements that Bay Materials (a different party) made in IPR2022-01214.

Patent Owner's request is moot given that its discovery period has passed and its pending request for a second rehearing on its RPI theory was denied. *See* Order No. 31. Even if the request were timely, Patent Owner has not articulated any support for either allegation under 37 C.F.R. § 42.51.

Moreover, Patent Owner offers no support for its allegation that the requested sealed information "will further demonstrate . . . the status of Bay Materials as an unnamed RPI." Nothing in these documents appears to relate to the corporate relationship or any other RPI-related factors concerning Bay Materials and Petitioner. *See Garmin*, IPR2012-00001, Paper 26 at 6 ("The party requesting discovery should already be in possession of evidence tending to show beyond speculation that in fact something useful will be uncovered.").

Similarly, Patent Owner offers no clarity on how the requested sealed information from a different IPR, different parties, a different patent, and secondary considerations for a different commercial product is inconsistent with Petitioner's positions here. Patent Owner's threadbare allegations, devoid of any specificity, are an improper fishing expedition and should thus be denied. *Garmin*, IPR2012-00001, Paper 26 at 6.

Sincerely,
Charles

Charles T. Collins-Chase
Partner | Bio
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
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FINNEGAN

From: Argenti, Matthew <margenti@wsgr.com>
Sent: Thursday, March 26, 2026 3:29 PM

ALIGN - EXHIBIT 2035
ClearCorrect Operating, LLC. v. Align Technology, Inc.
IPR2025-00821

To: Trials <trials@uspto.gov>
Cc: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>; McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: IPR2025-00818, -00819, -00820, -00821

Dear Board,

Patent Owner Align Technology, Inc. writes to seek authorization to file a motion to compel discovery under 37 C.F.R. §42.51(b)(1)(iii) or, in the alternative, for additional discovery under §42.51(b)(2)(i). This request applies to each of the four pending IPRs identified in the subject line.

As explained in Align's patent owner responses, the petition fails to identify all real parties in interest (RPI), including Bay Materials LLC. *See, e.g.,* IPR2025-00818, Paper 27 at 65-67. The PORs also explain that arguments made by Bay Materials in IPR2022-01214 are inconsistent with positions taken by Petitioner here, including with respect to objective indicia of nonobviousness. *Id*. at, e.g., 63-65. Align's PORs cite the patent owner response and expert declaration from IPR2022-01214 as evidence of these inconsistent positions. *Id*. (citing EX2025, EX2026). While the patent owner response from IPR2022-01214 is publicly available in unredacted form, the relevant portions of the expert declaration contain redactions and additional exhibits cited in the relevant portions of both documents are likewise redacted in whole or part.

Align thus seeks production of the unredacted versions of a limited set of documents from the record in IPR2022-01214, which will further demonstrate not only the status of Bay Materials as an unnamed RPI but also the inconsistent positions taken in that IPR versus the present proceedings. Specifically, Align seeks the following:

- Exhibit 2006 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Second Declaration of Dr. Tim A. Osswald) (Unredacted)
- Exhibit 2008 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Declaration of Todd Schoettelkotte) (Unredacted)
- Exhibit 2010 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Declaration of John Lahlouh) (Unredacted)
- Exhibit 2014 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Zendura FLX Material Specification) (Unredacted)
- Exhibits 2015 and 2016 in in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Product Data Sheets) (Unredacted)
- Any documents in the possession of Petitioner or any real party in interest containing information inconsistent with positions Petitioner has taken regarding the named real parties in interest.

As demonstrated by the below email exchange, Patent Owner requested this discovery from Petitioner and was met with delay tactics and obfuscation. Despite Petitioner's obligation to provide the documents under 37 C.F.R. §42.51(b)(1)(iii) (as inconsistent with a position advanced by the party), Petitioner has repeatedly failed to provide them to Align and the Board and refuses their production now. Given the demonstrable relevance of these documents to both the RPI and unpatentability issues, Petitioner's refusal to disclose and produce them is an ongoing violation of its duty of candor. Good cause thus exists to either compel their production or allow it as additional discovery pursuant to §42.51(b)(2)(i).

Relatedly, Align respectfully inquires as to the status of its pending request for authorization to file motions to terminate these IPRs based on failure to name Bay Materials as an RPI. The discovery issue raised in this email is directly relevant to that issue and allowing Align access to the identified documents from IPR2022-01214 will provide a more fulsome record for consideration of the RPI issue.

As noted in our email requesting the motion to terminate, no conference call is believed necessary to authorize the requested briefing. However, the parties can provide availability for a conference call should the Board find one helpful.

Respectfully,

Matthew A. Argenti
Counsel for Patent Owner Align Technology, Inc.
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: Argenti, Matthew
Sent: Thursday, March 26, 2026 11:47 AM
To: 'McCammon, Luke' <Luke.McCammon@finnegan.com>; Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Cc: Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

Luke,

Thank you for your response, which highlights why the discovery we seek is necessary.

You contend the Director already rejected our arguments about Bay Materials, yet Petitioner argued the real party in interest issue wasn't yet ripe for Director consideration and the Director denied our review request without explanation. You argue we haven't identified any new facts relevant to the issue, while refusing to turn over the limited set of documents we seek which would provide such facts. You assert we are mistaken in pointing out Petitioner has never firmly disputed Bay Materials is an RPI, yet all you point to are "the positions set out in [Petitioner's] opposition briefing" which merely denied Bay Materials' "control," "funding," and "involvement" in these IPRs. -818IPR, Paper 22 at 5. To date, Petitioner still has never affirmatively stated that Bay Materials is not an RPI. You argue my emails fail to identify any inconsistency between Petitioner's positions in these IPRs and Bay Materials' arguments in IPR2022-01214 beyond relating to RPI and obviousness, while willfully ignoring the explanation in our patent owner responses regarding, for example, commercial success, unexpected results, copying, and the relationship between Bay Materials, Straumann, and ClearCorrect.

We understand you refuse to provide the documents we request, and we will seek relief from the Board.

Regards,
Matt

Matthew A. Argenti
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: McCammon, Luke <Luke.McCammon@finnegan.com>
Sent: Tuesday, March 24, 2026 2:50 PM
To: Argenti, Matthew <margenti@wsgr.com>; Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Cc: Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

EXT - luke.mccammon@finnegan.com

Matt,

Your email again fails to offer any explanation for Patent Owner's decision to delay raising any argument regarding the real parties in interest until its Petition for Director Review. And you again fail to attempt to reconcile Patent Owner's contradictory assertion that all real parties in interest are parties in the district court litigation with Patent Owner's new arguments regarding real parties in interest.

Your email also misrepresents the facts. Petitioner substantively responded to Patent Owner's unsupported arguments about Bay Materials in Petitioner's opposition to Patent Owner's Request for Director Review. *See, e. g.*, IPR2025-00818, Paper 22 at 3-6. The Director considered Patent Owner's arguments and denied the request. Patent Owner has not pointed to a single new fact or argument in its subsequent attempts to relitigate this issue. Nor has Patent Owner provided even any counterargument to the positions Petitioner set out in its opposition briefing. You thus are mistaken at best when you state that "Petitioner has never firmly disputed that Bay Materials is an RPI."

Your email also again fails to articulate even any purported inconsistency between Petitioner's positions in these IPRs and the documents you have requested, which come from a different IPR involving different parties and a different patent. You make only the vague assertion that the purported inconsistency is "regarding at least real party in interest and obviousness." But the portion of the Patent Owner Responses that you cite (pages 64-67) fails to identify any inconsistency at all.

Patent Owner has again refused to articulate any facts or argument in support of its vague assertions regarding alleged inconsistency, and Petitioner already substantively responded to Patent Owner's incorrect assertions regarding the real parties in interest. Patent Owner thus fails to offer any basis for demanding sealed documents filed by a non-party in an unrelated IPR.

Best regards,

Luke

Luke J. McCammon
Attorney at Law
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
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202.408.4273 | fax: 202.408.4400 | luke.mccammon@finnegan.com | www.finnegan.com

---

From: Argenti, Matthew <margenti@wsgr.com>
Sent: Tuesday, March 24, 2026 2:32 PM
To: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

Charles,

Thank you for your response. However, your continued attempts to obfuscate the issue and delay resolution are not helpful.

As to the questions you raise below, many have already been addressed. The issue of Bay Materials being an unnamed RPI has been raised repeatedly and in a timely fashion. Conversely, Petitioner's obligations and duty of candor to the Board remain ongoing and are not subject to time expiration. Your first question citing Paper 7 mischaracterizes Align's prior argument but is emblematic of Petitioner's attempts to sidestep the issue. Indeed, Petitioner has never firmly disputed that Bay Materials is an RPI in these proceedings—nor could it under the circumstances. Should Petitioner choose to finally come clean and update its mandatory notices naming Bay Materials as an RPI to these proceedings, Align would not oppose such action as it will help narrow the identified issues in dispute for the Board.

As you already know, Align has access to public versions of documents filed with the PTAB in the Bay Materials IPR, which are publicly available on PTACTS. We seek the unredacted documents identified below. This is all made perfectly clear in our previous request. As to the relevance, Bay Materials argument found in public documents (citing the documents identified below) from the Bay Materials IPR is inconsistent with argument that is advanced in the present cases. See e.g., -818IPR POR 64-67. Align is entitled to the full, unredacted scope of documents that ClearCorrect/Bay Materials relied upon when advancing such argument.

Please confirm that you will produce the identified materials by COB today. If not, we will contact the Board and pursue the appropriate relief.

As to your vague allegation of inconsistent Patent Owner positions regarding Tritan, there are none identified. Contrary to Petitioner's approach, Align has already exceeded its obligations out of courtesy. Your unfounded accusations appear nothing more than an attempt to further obfuscate.

Regards,
Matt

Matthew A. Argenti
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Sent: Monday, March 23, 2026 4:12 PM
To: Argenti, Matthew <margenti@wsgr.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: Re: IPR2025-00818, -00819, -00820, -00821

EXT - charles.collins-chase@finnegan.com

Counsel:

Given Patent Owner's recent production of documents that are inconsistent with Patent Owner's positions regarding Tritan, we request production of any additional documents evidencing Patent Owner's testing of and favorable conclusions regarding Tritan copolyesters.

As to your request for documents, we remind you of Patent Owner's obligation to meet and confer regarding discovery requests. To make such a meet and confer productive, we asked you straightforward questions seeking any purported basis for Patent Owner's argument that such documents are purportedly relevant or are allegedly inconsistent with any position, including Petitioner's identification of the real parties in interest. You have refused to answer. Accordingly, we again ask for Patent Owner to meaningfully respond with its positions and purported basis for seeking these documents, including the information addressed below.

First, when it was to Patent Owner's benefit, Patent Owner told the Director that the petitions should be discretionarily denied because each real party-in-interest was a defendant in the parallel litigation. Bay Materials is not a party to the litigation. Paper 7 at 18. Please explain how additional discovery could be relevant in view of Patent Owner's admission that all RPIs are named parties in the district court litigation.

Second, please explain Patent Owner's decision not to seek the requested documents until after the conclusion of Patent Owner's discovery period. The documents cited in your email are not new—they were filed in IPR2022-01214 nearly three years ago.

Third, Patent Owner is seeking unredacted copies of documents that were filed publicly in redacted form in IPR2022-01214. Please confirm that Patent Owner already has public copies of those documents and is seeking discovery only of the redacted portions of such documents. Please also identify Patent Owner's basis for asserting that the redacted portions contain information that is allegedly inconsistent with any position Petitioner has taken.

Fourth, for each requested document, please provide evidence that there is more than a mere possibility of finding something useful in the redacted portions of the requested documents. *See Garmin*, IPR2012-00001, PI might aper 26 at 6 ("The party requesting discovery should already be in possession of evidence tending to show beyond speculation that in fact something useful will be uncovered.").

We are available to meet and confer once Patent Owner articulates its basis for seeking the listed documents.

Best regards,
Charles

From: Argenti, Matthew <margenti@wsgr.com>
Sent: Friday, March 20, 2026 4:48 PM
To: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

Charles,

Your initial email raised concerns that the Chen declaration referred to documents that had not been submitted as exhibits. While we disagree with your characterization regarding discovery obligations, we nevertheless agreed to produce them to remove any concern about the sufficiency of Align's evidence. Those

documents are attached. Thank you for confirming you will treat them as confidential under the default protective order.

As to our concerns regarding ClearCorrect's failure to comply with its own disclosure and discovery obligations, your evasiveness in response only highlights the problem. Align has raised this issue repeatedly throughout the IPRs and ClearCorrect continues to dodge its responsibility. Your duty of candor to the Patent Office is ongoing. Please let us know if ClearCorrect will produce the requested materials. If you continue to evade our request we will take that as refusal and will ask the Board to compel production. Furthermore, we reserve the right to pursue appropriate sanctions.

Regards,
Matt

Matthew A. Argenti
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
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Fax: (650) 493-6811

From: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Sent: Friday, March 20, 2026 8:10 AM
To: Argenti, Matthew <margenti@wsgr.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

EXT - charles.collins-chase@finnegan.com

Matt,

Please confirm that your email reflects Patent Owner's agreement to produce the full scope of documents Petitioner requested: (1) all documents characterizing or comparing the properties or performance of "ST30" to "EX30"; and (2) all documents characterizing or comparing the properties or performance of any single-layer copolyesters, including Tritan, to "ST30" or "EX30." We confirm that Petitioner will treat the documents as confidential under the terms of the agreed-upon default protective order. For the record, we disagree with your assertions regarding 37 C.F.R. § 42.51(b)(1)(i) and (iii).

To avoid further delay, please confirm that the documents Petitioner requested will be produced no later than COB on Monday, March 23.

Regarding Patent Owner's unrelated discovery request, your email contains several inaccuracies. We will respond to the specific points you raised in due course. In the meantime, please explain Patent Owner's alleged basis for believing that the documents you listed contain any inconsistent information, including with respect to Petitioner's real-party-in-interest identification. Please also explain why Patent Owner chose not to request these documents until after filing its responses.

Best regards,
Charles

Charles T. Collins-Chase
Partner | Bio
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FINNEGAN

From: Argenti, Matthew <margenti@wsgr.com>
Sent: Wednesday, March 18, 2026 7:20 PM
To: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

Charles,

Your email fails to identify any valid basis that Align would be required to produce the information you identify. 37 CFR §42.51(b)(1)(i) requires production of exhibits cited in papers or testimony, but the documents you request are not exhibits to these proceedings. You also cite Rule 51(b)(1)(iii), but your email does not even allege the requested documents contain information inconsistent with a position Align has taken, let alone provide a reasoned basis for such an assertion.

Nevertheless, Align has nothing to hide. We are agreeable to producing the requested technical data sheets and the test information referred to in paragraphs 23-25 of Ms. Chen's declaration. As those documents contain or relate to Align's confidential business and development information, please confirm ClearCorrect will treat them as confidential information under the terms of the agreed-upon default protective order.

Conversely, Align has serious concerns that ClearCorrect has not been forthcoming with information relevant to these proceedings, particularly when required by the Board's disclosure and discovery rules. As explained in our patent owner responses, at least Bay Materials is an unnamed real party in interest to these proceedings and ClearCorrect has yet to come clean on this issue. This is particularly troubling considering arguments made by Bay Materials and Dr. Osswald during IPR2022-01214 that are inconsistent with your position here that the challenged claims are obvious. Accordingly, please produce the following documents and information, each of which is believed to contain information inconsistent with positions advanced by Petitioner in these proceedings regarding at least real party in interest and obviousness. See 37 C.F.R. §42.51(b)(1)(iii).

- Exhibit 2006 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Second Declaration of Dr. Tim A. Osswald) (Unredacted)
- Exhibit 2008 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Declaration of Todd Schoettelkotte) (Unredacted)
- Exhibit 2010 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Declaration of John Lahlouh) (Unredacted)

- Exhibit 2014 in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Zendura FLX Material Specification) (Unredacted)
- Exhibits 2015 and 2016 in in *3M Co. v. Bay Materials, LLC*, IPR2022-01214 (Product Data Sheets) (Unredacted)
- Any documents in the possession of Petitioner or any real party in interest containing information inconsistent with positions you have taken regarding the named real parties in interest.

Of course, we again remind ClearCorrect that it has an ongoing duty of candor in these proceedings, and we expect disclosure, both to Align and the Board, of any relevant materials inconsistent with the positions ClearCorrect is taking in this IPR. We look forward to your response.

Regards,
Matt

Matthew A. Argenti
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650 Page Mill Rd., Palo Alto, CA 94304
Direct: (650) 354-4154
Fax: (650) 493-6811

From: Argenti, Matthew
Sent: Tuesday, March 17, 2026 5:00 PM
To: 'Collins-Chase, Charles' <Charles.Collins-Chase@finnegan.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>; Rosato, Michael <mrosato@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

Charles,

You only first raised the issue on Thursday evening and it is now Tuesday. I think we should be able to reach an agreement here, but we need more time to confer with our client. I hope to be able to provide a substantive response tomorrow.

Regards,
Matt

Matthew A. Argenti
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd., Palo Alto, CA 94304
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Fax: (650) 493-6811

From: Collins-Chase, Charles <Charles.Collins-Chase@finnegan.com>
Sent: Tuesday, March 17, 2026 11:25 AM
To: Rosato, Michael <mrosato@wsgr.com>; Argenti, Matthew <margenti@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>
Subject: RE: IPR2025-00818, -00819, -00820, -00821

EXT - charles.collins-chase@finnegan.com

Counsel:

We have not received a response to our email below requesting certain routine discovery. Particularly in view of the upcoming depositions of Patent Owner's witnesses who cite the requested documents, please provide the requested discovery immediately. If Patent Owner does not provide the requested discovery in a timely manner, Petitioner reserves its rights to obtain cross-examination testimony from Patent Owner's witnesses regarding the discovery once it has been produced.

If Patent Owner refuses to provide the requested discovery, please provide Patent Owner's position regarding a request for authorization to file a motion to compel Patent Owner to produce the requested routine discovery or, alternatively, to seek the requested documents as additional discovery. Given that Petitioner sent its email requesting the discovery on March 12, please respond by close of business today to avoid further delay.

Best regards,
Charles

Charles T. Collins-Chase
Partner | Bio
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FINNEGAN

From: Collins-Chase, Charles
Sent: Thursday, March 12, 2026 8:20 PM
To: Rosato, Michael <mrosato@wsgr.com>; Argenti, Matthew <margenti@wsgr.com>; Medley, Patrick <pmedley@wsgr.com>; Thomas, Tasha <tthomas@wsgr.com>
Cc: McCammon, Luke <Luke.McCammon@finnegan.com>; Howarth, Kyle <Kyle.Howarth@finnegan.com>; Magdun, Melanie <Melanie.Magdun@finnegan.com>
Subject: IPR2025-00818, -00819, -00820, -00821

Counsel:

Patent Owner's Responses in IPR2025-00818, -00819, -00820, and -00821 rely on a declaration by Yan Chen (EX2016), which cites documents that were not served with the Responses. *First*, the Chen declaration cites two "technical data sheet[s]" as the sole evidence that Patent Owner's SmartTrack product purportedly has properties falling within the claimed ranges. *See, e.g.*, EX2016 ¶¶ 16-17 n.1. Patent Owner was required under 37 C.F.R. § 42.51(b)(1)(i) to serve these cited documents with its Responses. Please serve them immediately.

Second, the Chen declaration cites alleged testing comparing the "measured properties" of "over 269 materials"—including "modulus of elasticity, elongation, polymer thermal-mechanical properties, stress-relaxation, durability, environmental stress cracking, transparency, thermoforming adaptation, and aligner thermoformability"—to those of "EX30." *See, e.g.*, EX2016 ¶¶ 21-25. Ms. Chen specifically cites data from testing comparing "ST30" to "EX30" and comparing "ST30" to "multiple copolyesters, including Tritan copolyester." *Id.* ¶¶ 23-25. These data underpin Patent Owner's arguments regarding purported unexpected results, and Patent Owner was required to serve them with its Responses. As required under 37 C.F.R. § 42.51(b)(1)(i) and (iii), please immediately serve: (1) all documents

characterizing or comparing the properties or performance of “ST30” to “EX30”; and (2) all documents characterizing or comparing the properties or performance of any single-layer copolyesters, including Tritan, to “ST30” or “EX30.”

Petitioner reserves all rights to move to compel production of the above-identified categories of documents as routine discovery and/or to seek their production as additional discovery under 37 C.F.R. § 42.51(b)(2). To avoid unnecessary burden on the Board, please let us know immediately if Patent Owner refuses to provide this routine discovery so the parties can address all pending issues with the Board during a single conference call (if the Board desires one).

Sincerely,
Charles

Charles T. Collins-Chase
Partner | Bio
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FINNEGAN

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