
Subject: Re: Brain v. Avidbots - Brain Supplemental 30(b)(6) Depositions
Date: Wednesday, March 4, 2026 at 4:01:21 PM Pacific Standard Time
From: Jalali, Neema
To: Daniel Hughes, ElDessouki, Ahmed, *** GDC-Avidbots
CC: Daniel I. Konieczny, ktottis@tottislaw.com, kstolte@tottislaw.com, Brain.Avidbots

Daniel,

We write regarding the indefiniteness issue specifically, as we promised you an urgent response on that. Avidbots's position is as stated in its brief opposing discretionary denial. Your comment below that "Avidbots suggested that it would continue to pursue indefiniteness in the district court litigation after claim construction" is not accurate; rather, Avidbots is not making any representation beyond what is in the aforementioned filing.

Thanks,
Neema

Neema Jalali
Partner

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From: Daniel Hughes <Daniel.Hughes@knobbe.com>
Date: Wednesday, March 4, 2026 at 5:40 PM
To: Jalali, Neema <NJalali@gibsondunn.com>, ElDessouki, Ahmed <AEldessouki@gibsondunn.com>, *** GDC-Avidbots <GDC-Avidbots@gibsondunn.com>
Cc: Daniel I. Konieczny <DKonieczny@TDRLAW.com>, ktottis@tottislaw.com <ktottis@tottislaw.com>, kstolte@tottislaw.com <kstolte@tottislaw.com>, Brain.Avidbots <Brain.Avidbots@knobbe.com>
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This message came from outside your organization. Neema,

Thanks for meeting and conferring with us now. We write to address some of the more urgent issues that came up at the meet and confer.

First, as we explained, Avidbots today filed a brief as part of the discretionary denial portion of the IPR proceedings that stated “Avidbots is not seeking different claim constructions in the Litigation compared to the IPR, nor is it seeking a construction of indefiniteness for any claim term among the patents that Brain asserted in the Litigation.” Despite this statement, at our meet and confer on claim construction, Avidbots suggested that it would continue to pursue indefiniteness in the district court litigation after claim construction. Avidbots cannot reconcile these inconsistent positions. As we explained, Brain believes the proper time to raise indefiniteness is now and that Avidbots has waived its indefiniteness arguments by declining to raise them during claim construction. Brain needs to address this issue in its POPR due today as well as potentially request a reply brief to Avidbots’s discretionary denial brief. Brain cannot delay filing its POPR. Please confirm by 4:15PM that Avidbots is dropping its indefiniteness arguments in district court as it represented to the PTAB.

[REDACTED]

[REDACTED]

[REDACTED]

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- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks,
Daniel

Daniel Hughes

Partner

858-707-4208 Direct

Knobbe Martens

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