
From: Michael Dulin <MDulin@Polsinelli.com>
Sent: Tuesday, October 3, 2023 1:57 PM
To: Ryan Gentes
Cc: James Stein; Richard Uberto; Advance Medical Litigation; Gwendolyn Ramsey; Jack Blum; jfriedman@polsinelli.com; pdodson@polsinelli.com; Robyn Pollard; Miya Yusa; Catherine Schmitz; Clement Asante; Suni Sukduang; James Murphy
Subject: RE: Ex Parte Reexamination of U.S. Patent No. 11,446,056 assigned to Corbin Clinical Resources, LLC filed September 22, 2023 (Control No. 90/019,257)

[External Email]

Hi Ryan,

I think we can agree to maintain the mediation date if AMD holds off on filing its reexams until after the mediation, but lets talk about the logistics, etc. We need to figure out how to pitch this to the court, as the court clearly wants to vacate the hearing. Perhaps we just send an email explaining things. I never got a response to the email sent Friday. Technically, I believe that there is no current deadline for the Motion. We merely filed a certificate of conferral and, in response, the court set a hearing for the 19th. So we should talk about that too. I am in meetings for about the next two hours then free up. Can we talk then.

Michael Dulin

Shareholder

mdulin@polsinelli.com

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From: Ryan Gentes <Ryan.Gentes@leehayes.com>
Sent: Tuesday, October 3, 2023 6:34 AM
To: Michael Dulin <MDulin@Polsinelli.com>
Cc: James Stein <James.Stein@Leehayes.com>; Richard Uberto <Richard.Uberto@leehayes.com>; Advance Medical Litigation <AdvanceMedicallitigation@leehayes.com>; Gwendolyn Ramsey <Gwendolyn.Ramsey@leehayes.com>; ack.blum@polsinelli.com; jfriedman@polsinelli.com; pdodson@polsinelli.com; Robyn Pollard <rpollard@polsinelli.com>; Miya Yusa <MYusa@Polsinelli.com>; Catherine Schmitz <caschmitz@polsinelli.com>; Clement Asante <casante@polsinelli.com>; Suni Sukduang <SSukduang@Polsinelli.com>; James Murphy <jpmurphy@polsinelli.com>
Subject: RE: Ex Parte Reexamination of U.S. Patent No. 11,446,056 assigned to Corbin Clinical Resources, LLC filed September 22, 2023 (Control No. 90/019,257)

EXTERNAL EMAIL ryan.gentes@leehayes.com

Hi Michael,

Thank you for our discussion on Friday. Please let me know by today if Corbin will agree to a joint motion to extend the time to answer the Motion to Compel so that we can keep the original mediation date.

Best Regards,

Ryan P. Gentes | Lee & Hayes, PC
Partner | Patent Attorney
404.736.1922 | Ryan.Gentes@leehayes.com
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From: Michael Dulin <MDulin@Polsinelli.com>
Sent: Wednesday, September 27, 2023 7:11 PM
To: Ryan Gentes <Ryan.Gentes@leehayes.com>
Cc: James Stein <James.Stein@Leehayes.com>; Richard Uberto <Richard.Uberto@leehayes.com>; Advance Medical Litigation <AdvanceMedicalLitigation@leehayes.com>; Gwendolyn Ramsey <Gwendolyn.Ramsey@leehayes.com>; ack.blum@polsinelli.com; jfriedman@polsinelli.com; pdodson@polsinelli.com; Robyn Pollard <rpollard@polsinelli.com>; Miya Yusa <MYusa@Polsinelli.com>; Catherine Schmitz <caschmitz@polsinelli.com>; Clement Asante <casante@polsinelli.com>; Suni Sukduang <SSukduang@Polsinelli.com>; James Murphy <jpmurphy@polsinelli.com>
Subject: RE: Ex Parte Reexamination of U.S. Patent No. 11,446,056 assigned to Corbin Clinical Resources, LLC filed September 22, 2023 (Control No. 90/019,257)

[External Email]

Ryan,

I think we may be able to come to an agreement regarding your proposal set forth in the last paragraph of your email below, but I think it may be helpful to have a quick call. Do you have time tomorrow to talk?

Michael Dulin

Shareholder

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Polsinelli PC, Polsinelli LLP in California

From: Ryan Gentes <Ryan.Gentes@leehayes.com>

Sent: Monday, September 25, 2023 5:21 PM

To: Michael Dulin <MDulin@Polsinelli.com>

Cc: James Stein <James.Stein@Leehayes.com>; Richard Uberto <Richard.Uberto@leehayes.com>; Advance Medical Litigation <AdvanceMedicalLitigation@leehayes.com>; Gwendolyn Ramsey <Gwendolyn.Ramsey@leehayes.com>; ack.blum@polsinelli.com; jfriedman@polsinelli.com; pdodson@polsinelli.com; Robyn Pollard <rpollard@polsinelli.com>; Miya Yusa <MYusa@Polsinelli.com>; Catherine Schmitz <caschmitz@polsinelli.com>; Clement Asante <casante@polsinelli.com>; Suni Sukduang <SSukduang@Polsinelli.com>; James Murphy <jpmurphy@polsinelli.com>

Subject: RE: Ex Parte Reexamination of U.S. Patent No. 11,446,056 assigned to Corbin Clinical Resources, LLC filed September 22, 2023 (Control No. 90/019,257)

EXTERNAL EMAIL ryan.gentes@leehayes.com

Michael,

I never represented that Advance Medical would hold off on filing reexaminations pending further settlement discussions. At the time, my understanding was that settlement negotiations between Advance Medical and Corbin had broken down and ceased, which you did not refute. In our July 10th call, I informed you that Advance Medical intended to proceed with invalidating the Asserted Patents and, if Corbin wished to prevent the filing of *ex parte* reexam petitions, which could not be pulled back, it should reach out to restart settlement discussions. On July 21st, Advance Medical filed the PGR of the '436 Patent, and, on the same day, Corbin reiterated its position that it did not want to pursue settlement until after the claim construction order.

It was the Court that would not abide any further delays and set the date for the upcoming settlement conference. Corbin did nothing to "expedite" the settlement conference or indicate its position had changed since the last settlement discussions. Meanwhile, Advance Medical has incurred litigation cost that are being exacerbated by Corbin's claim construction tactics and latest Motion to Compel. These expenses are unnecessary until the question of the validity of the Asserted Patents is resolved.

Advance Medical plans to file *ex parte* reexaminations on the three remaining Asserted Patents and seek a stay of the district court litigation. However, Advance Medical also recognizes the benefit of potentially resolving this matter in the settlement conference. If Corbin will agree to a two-week extension of time for Advance Medical to respond to the Motion to Compel and postponement of the related hearing, Advance Medical will pause the remaining invalidity filings pending the outcome of the settlement conference. Otherwise, Advance Medical will be forced to continue its current course in order to seek a stay of the litigation and stop both parties from incurring further unnecessary litigation costs.

Best Regards,

Ryan P. Gentes | Lee & Hayes, PC

Partner | Patent Attorney

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From: Michael Dulin <MDulin@Polsinelli.com>

Sent: Friday, September 22, 2023 1:15 PM

To: Ryan Gentes <Ryan.Gentes@leehayes.com>

Cc: James Stein <James.Stein@Leehayes.com>; Richard Uberto <Richard.Uberto@leehayes.com>; Advance Medical Litigation <AdvanceMedicalLitigation@leehayes.com>; Gwendolyn Ramsey <Gwendolyn.Ramsey@leehayes.com>; ack.blum@polsinelli.com; jfriedman@polsinelli.com; pdodson@polsinelli.com; Robyn Pollard <rpollard@polsinelli.com>; Miya Yusa <MYusa@Polsinelli.com>; Catherine Schmitz <caschmitz@polsinelli.com>; Clement Asante <casante@polsinelli.com>; Suni Sukduang <SSukduang@Polsinelli.com>; James Murphy <jpmurphy@polsinelli.com>

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[External Email]

Ryan – when we spoke on July 10th, you informed us that Advance Medical intended to file a PGR on the '463 Patent, but that it intended to hold off filing reexaminations on the other patents pending further settlement discussions. As you put it, you can't "pull those back" so you would provide us the opportunity to have meaningful settlement discussions prior to filing those. Relying on those representations, and per the suggestions of the court, we expedited the settlement conference and are going through with that on October 10th. We are disappointed that, in light of that understanding, AMD filed a reexamination on the '056 patent. Does AMD intend to file any other reexaminations prior to our settlement conference?

Michael Dulin

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From: Gwendolyn Ramsey <Gwendolyn.Ramsey@leehayes.com>

Sent: Friday, September 22, 2023 11:00 AM

To: Michael Dulin <MDulin@Polsinelli.com>; ack.blum@polsinelli.com; jfriedman@polsinelli.com; pdodson@polsinelli.com; Robyn Pollard <rpollard@polsinelli.com>; Miya Yusa <MYusa@Polsinelli.com>; Catherine Schmitz <caschmitz@polsinelli.com>; Clement Asante <casante@polsinelli.com>

Cc: James Stein <James.Stein@Leehayes.com>; Ryan Gentes <Ryan.Gentes@leehayes.com>; Richard Uberto <Richard.Uberto@leehayes.com>

Subject: Ex Parte Reexamination of U.S. Patent No. 11,446,056 assigned to Corbin Clinical Resources, LLC filed September 22, 2023 (Control No. 90/019,257)

EXTERNAL EMAIL gwendolyn.ramsey@leehayes.com

Dear Mr. Dulin,

On behalf of Advance Medical Designs, Inc., we filed today in the U.S. Patent and Trademark Office a Request for *Ex Parte* Examination of U.S. Patent No. 11,446,056 assigned to Corbin Clinical, LLC. The reexamination has been assigned Control Number 90/019,257.

Copies of our service letter and as-filed copies of the Request for *Ex Parte* Reexamination Transmittal Form, Reexamination Request, and Exhibits 1001-1019 can be accessed at  [Request for Third Party Reexamination as-filed](#). If you have any problems accessing the files, please let us know.

Best,

Gwendolyn C. Ramsey | [Lee & Hayes](#)
Patent Prosecution/Litigation Paralegal
gwendolyn.ramsey@leehayes.com
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