From:	Trials
To:	Wood, Megan; Trials
Cc:	LLagostera, Domingo M.; Wong, Russell T.; Perry, Alex; Hindman, M"Liss; Johnson, R. Scott; Patton, Thomas; Donels, Cara
Subject:	RE: College Products, Inc. v. Intirion, PGR2024-00003 and PGR2024-00004 re Initial Conference Call
Date:	Friday, May 17, 2024 4:48:40 PM

Counsel,

From the Board –

No call is necessary. Petitioner is authorized a 5-page motion requesting authorization to serve a subpoena on the requisite library official at Northeastern University, in PGR2024-00003 and PGR2024-00004 with respect to the issue of determining the public availability of Exhibit 1012. The motion is due 5 business days from the date of this reply email. Patent Owner is authorized a 5-page opposition to Petitioner's motion, due 5 business days following entry of Petitioner's motion.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Wood, Megan <megan.wood@blankrome.com>
Sent: Friday, May 10, 2024 4:21 PM
To: Trials <Trials@USPTO.GOV>
Cc: LLagostera, Domingo M. <domingo.llagostera@blankrome.com>; Wong, Russell T. <russell.wong@blankrome.com>; Perry, Alex <alex.perry@blankrome.com>; Hindman, M'Liss <mliss.hindman@blankrome.com>; Johnson, R. Scott <RSJohnson@fredlaw.com>; Patton, Thomas <TPatton@fredlaw.com>; Donels, Cara <CDonels@fredlaw.com>
Subject: College Products, Inc. v. Intirion, PGR2024-00003 and PGR2024-00004 re Initial Conference Call

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Dear Patent Trial and Appeal Board,

Pursuant to the scheduling orders (Papers 11) in PGR2024-00003 and PGR2024-00004, Petitioner writes to request an initial conference call to discuss a proposed motion for authorization to serve a subpoena in both matters.

To address Patent Owner's objections challenging whether Exhibit 1012 qualifies as prior art (as detailed in Patent Owner's Objections to Petitioner's Exhibit List and Expert Reports, filed April 24, 2024, as Paper 12 in both matters), Petitioner contacted the Northeastern University Library. While the library was able to find information indicating that Exhibit 1012 was publicly available no

later than November 2013, the policy of the Office of General Counsel at Northeastern University prohibits any employee from submitting a declaration unless a subpoena has been served. Therefore, Petitioner intends to file a motion for authorization to serve a subpoena to obtain a declaration and documents from Northeastern University Library confirming the public availability of Exhibit 1012.

Patent Owner has indicated it will oppose the motion. Both Petitioner and Patent Owner are available for a call with the Board on Tuesday, May 14 between 10:00 AM EDT and 2:00 PM EDT and Thursday, May 16 between 12:00 PM EDT and 3:00 PM EDT.

Regards,
Megan

Megan R. Wood | BLANKROME
1825 Eye Street NW | Washington, D.C. 20006
O: 202.420.2753 | F: 202.420.2201 | megan.wood@blankrome.com

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