

# *Exhibit D*

**From:** Liz Ranks <ranks@fr.com>  
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**Subject:** RE: Neo Wireless MDL // 26(f) Conference and Joint Report/Proposed Scheduling Order  
**Attachments:** 9-14-22 Proposed Scheduling Order with Party Proposals - Defs Final Edits.v2.docx

Chris,

We have proposed claim narrowing multiple times throughout the proposed schedule negotiations, including in response to Neo's proposal to limit the terms to be briefed during claim construction and to limit the pages for claim construction briefing. Because Neo continued to modify its *Markman* briefing proposal, the Defendants had to raise the issue again.

But to finalize the proposed schedule for filing, please insert your responsive footnote to the Defendants' existing proposal (Defendants will agree to the page limits if Neo narrows its claims). Please recirculate the final version for sign off by each Defendant prior to filing.

Thanks,  
Liz

Liz Ranks  
FISH : Boston  
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**From:** Chris Stewart <cstewart@caldwellcc.com>  
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**Subject:** RE: Neo Wireless MDL // 26(f) Conference and Joint Report/Proposed Scheduling Order

Liz,

Defendants already proposed claim narrowing at the very start of this process and then withdrew that proposal. We can discuss reciprocal narrowing later in the case, but it's too late to debate that on the day this filing is due. And we're certainly not going to agree to narrowing this aggressive, which is not even reciprocal.

Given that, should we just add our responsive footnote to your existing proposal (leaving page limits as agreed, with the only dispute being whether to have claim narrowing or not)? Or do you want to go back to 40/60/20 and drop the claim narrowing dispute for defendants' proposal?

Chris

Chris Stewart | Caldwell Cassady Curry PC  
214.888.4846

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**Subject:** RE: Neo Wireless MDL // 26(f) Conference and Joint Report/Proposed Scheduling Order

Bailey,

Attached are Defendants' final edits to the 26(f) report. We proposed modifying the *Markman* section to agree with Neo's proposal regarding page limits (25/25/7) if Neo will agree to reduce the number of asserted claims. Please let us know if you agree to this proposal.

Regards,  
Liz

Liz Ranks  
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**From:** Bailey Blaies <[bblaies@caldwellcc.com](mailto:bblaies@caldwellcc.com)>  
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**Subject:** RE: Neo Wireless MDL // 26(f) Conference and Joint Report/Proposed Scheduling Order

Counsel,

Attached please find an updated Joint Proposed Scheduling Order. For reference, we edited the ESI provision for clarity and reverted back to the model order for purposes of Markman briefing deleting Defendant's insertion of claim narrowing and Neo's insertion of limiting terms to be construed.

In an effort to further streamline the issues, will Defendants agree to compromise to the default 70 hours per defendant for witness deposition limits?

Thank you,  
Bailey

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**Subject:** RE: Neo Wireless MDL // 26(f) Conference and Joint Report/Proposed Scheduling Order

Bailey –

Attached please find Defendants position footnotes and a few other minor edits in the attached draft for consideration. We have also made a new proposal on the claim construction briefing section in an effort to reach agreement.

Thanks,

**Conrad Gosen :: Principal :: Fish & Richardson P.C.**

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