

# *Exhibit E*

**From:** Gabrielle.LaHatte@lw.com  
**Sent:** Thursday, October 20, 2022 10:55 AM  
**To:** Chris Stewart; Bailey Blaies; neowireless@caldwellcc.com; quadrozzi@youngpc.com  
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**Subject:** RE: Neo MDL - Limit Number of Asserted Claims

Chris,

The record speaks for itself. Neo chose to increase the number of asserted claims by 10x after the scheduling conference. It is a waste of the court's and the parties' resources to construe terms and develop defenses for claims that will be dropped. To streamline this case and to allow the court to prepare these cases for the trial courts, Neo must narrow its case before claim construction.

Since we are at an impasse, we will seek appropriate relief from the Court.

Best,

**Gabrielle LaHatte**

**LATHAM & WATKINS LLP**

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**From:** Chris Stewart <cstewart@caldwellcc.com>  
**Sent:** Wednesday, October 19, 2022 3:47 PM  
**To:** LaHatte, Gabrielle (Bay Area) <Gabrielle.LaHatte@lw.com>; Bailey Blaies <bblaies@caldwellcc.com>; neowireless@caldwellcc.com; quadrozzi@youngpc.com  
**Cc:** Neo\_JDG\_All\_Defs@fr.com  
**Subject:** RE: Neo MDL - Limit Number of Asserted Claims

Gaby,

At the hearing the universe of potential claims in the asserted patents was over 150. We *narrowed* the case significantly by only asserting 65, especially considering the various different technologies at issue in the 6 patents. That is no basis to re-urge the request, much less to make it even more aggressive and unworkable. Are Defendants planning to assert 5 or fewer prior art references per patent when they serve their invalidity contentions next month? Are Defendants going to facilitate the production of source code and other technical information demonstrating the operation of the accused functionalities by next month? Are there specific non-overlapping claim terms in the asserted claims within a given patent that you have identified as needing construction (such that the number of construed terms would even actually be reduced if we made per-patent reductions)? What is your basis for proposing limitations that are significantly out of step with the model orders I've seen in various districts?

If y'all are intent on filing a motion on 48 hours notice for a unilateral narrowing by Neo to 3 claims per patent before we've even identified claim terms for construction or received a single detailed technical document, then yes, we oppose (both the motion and the rush).

If you're actually interested in conferring about a reciprocal plan for narrowing the scope of the case over time, and want to make a proposal for reciprocal narrowing and provide some authority for the timing and limits you're seeking, we'll consider it and can confer over the coming days.

Thanks,  
Chris

Chris Stewart | Caldwell Cassady Curry PC  
214.888.4846

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**From:** [Gabrielle.LaHatte@lw.com](mailto:Gabrielle.LaHatte@lw.com) <[Gabrielle.LaHatte@lw.com](mailto:Gabrielle.LaHatte@lw.com)>

**Sent:** Wednesday, October 19, 2022 1:26 PM

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**Cc:** [Neo\\_JDG\\_All\\_Defs@fr.com](mailto:Neo_JDG_All_Defs@fr.com)

**Subject:** RE: Neo MDL - Limit Number of Asserted Claims

Chris,

The Court did not implement Defendants' request into the scheduling order at the Rule 26f conference, but said that Defendants could raise the issue of claim reduction if it became an issue. It has. Since then, Neo increased the number of asserted claims from 6 claims to 65 claims across 6 patents against all nine Defendants. Given the number of claims Neo asserts, Neo must make its claim selection now before the parties discuss what claims must be construed during claim construction to ensure the parties and the Court do not waste resources briefing/construing claim terms that will never be tried. Because Neo has refused to limit the number of asserted claim terms during our Rule 26f meet and confers, and in view of your email below, we understand that Neo will not agree to Defendants' request now. If we misunderstand your position, we are available today or tomorrow to discuss.

Gaby

**Gabrielle LaHatte**

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**From:** Chris Stewart <[cstewart@caldwellcc.com](mailto:cstewart@caldwellcc.com)>

**Sent:** Wednesday, October 19, 2022 10:28 AM

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**Cc:** [Neo\\_JDG\\_All\\_Defs@fr.com](mailto:Neo_JDG_All_Defs@fr.com)

**Subject:** RE: Neo MDL - Limit Number of Asserted Claims

Gaby,

I'm confused. Didn't the Court already reject this exact request at the Scheduling Conference (when Defendants had proposed it occur even later—at final identification of terms)? And now you want to re-raise the same rejected request, but bumped up two months earlier, only one week after Defendants serve invalidity contentions?

Chris

Chris Stewart | Caldwell Cassady Curry PC  
214.888.4846

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**From:** [Gabrielle.LaHatte@lw.com](mailto:Gabrielle.LaHatte@lw.com) <[Gabrielle.LaHatte@lw.com](mailto:Gabrielle.LaHatte@lw.com)>  
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**Subject:** Neo MDL - Limit Number of Asserted Claims

Counsel,

As we discussed during multiple meet and confers when preparing the Rule 26(f) submission, to ensure a meaningful claim construction process, Defendants intend to request the Court require Neo to limit its asserted claims to no more than three per patent by November 23 (approximately one week prior to the exchange of disputed claim terms). We understand from those meet and confers that Neo opposes this request. To the extent you contend additional meet and confer would be productive, we are available today or tomorrow.

Regards,

**Gabrielle LaHatte**

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