

Ex 2023

From: Oliver, Justin [mailto:JOliver@fchs.com]
Sent: Tuesday, December 23, 2014 11:24 AM
To: Brian Buchheit
Cc: DeLucia, Frank; #AskeladdenIPR; Sean McGhie
Subject: RE: Petition Real Party of Interest Question

Brian,

As set forth in my previous email, neither The Clearing House Payments Company (“TCH”) nor any other entity is an RPI in accordance with the *RPX* decision because, at least, neither TCH nor any other entity has provided any suggestion as to what patents Askeladden has/will challenge or the content of any IPR petitions. For those reasons, there is no legal basis to name TCH or any other entity as a RPI. Moreover, this exchange has shifted from answering your initial questions as a courtesy to a fishing expedition. This is not a trial with broad discovery. Discovery permitted in IPRs is quite limited and we are now far afield from reasonable courtesies in that regard. Accordingly, we are not inclined to continue to address your numerous requests on this issue.

Justin

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