

From: [Holloway, Clay](#)
To: [Rene Vazquez](#)
Cc: [raymond joao](#); [Kadaba, Wab](#); [O'Reilly, Shayne](#); [Steven W. Ritcheson \(HGD Law Firm\)](#); [Jackie Knapp Burt \(HGD Law Firm\)](#); [Joe Gleason](#); [Maureen Abbey \(HGD Law Firm\)](#); [PG_JCMS](#)
Subject: RE: IPR 2015-01482
Date: Friday, July 31, 2015 4:13:33 PM

Rene,

To try to address these questions, please consider the following.

With regard to your question regarding the metadata, as you know when a word document is opened the metadata changes. That change in metadata was caused by my confirming that the document I was attaching was, in fact, what I represented to you it was. If you would be willing to agree that our providing you with the cover email from the expert to our attorneys at 8pm on June 23 would not constitute waiver of any applicable privilege or work product protection, I would be happy to show you that information.

Prior to yesterday, Petitioners had not served patent owner with the correct declaration because the error was discovered only shortly before I emailed you the request.

Regarding authority on the replacement of exhibits, I would direct your attention to the PTAB's decisions in *ABB Inc v. Roy-G-BIV*, 2013 WL 6907728; *Schott Gemtron Corp. v. SSW Holding Co.*, IPR2014-00367 Paper No. 30; and *Syntroleum Corp. v. Neste Oil*, 2013 WL 5970108.

Regards,
Clay

Clay Holloway

Kilpatrick Townsend & Stockton LLP

Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528
office 404 815 6537 | cell 770 778 6158 | fax 404 541 3484
cholloway@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

From: Rene Vazquez [mailto:rvazquez@hgdlawfirm.com]
Sent: Thursday, July 30, 2015 11:44 AM
To: Holloway, Clay
Cc: [raymond joao](#); [Kadaba, Wab](#); [O'Reilly, Shayne](#); [Steven W. Ritcheson \(HGD Law Firm\)](#); [Jackie Knapp Burt \(HGD Law Firm\)](#); [Joe Gleason](#); [Maureen Abbey \(HGD Law Firm\)](#); [PG_JCMS](#)
Subject: Re: IPR 2015-01482

Clay –

In considering Petitioners' request, JCMS would like some additional information.

- When was the proposed substitute declaration for the 1482 IPR prepared and finalized? According to the metadata, the document attached to your email has a "last modified" date of 7/29 at 9:16 am, just before your email was sent. Is there some evidence Petitioners can provide demonstrating that the proposed substitute declaration was

actually prepared and finalized on 6/23?

- Did Petitioners serve Mr. Joao with the proposed substitute declaration in the package provided to the USPS on 6/24, or did that service attempt include the wrong declaration as well? We will ask Mr. Joao this question when he returns from vacation, but in the meantime thought you might know the answer.
- Prior to yesterday, had petitioners ever previously served this proposed substitute declaration on JCMS?
- In your email yesterday, you state that “this type of clerical error has been corrected numerous times by the PTAB.” Please provide any and all authority supporting your statement.

Thanks in advance for the additional information.

Regards,

Rene

On Jul 29, 2015, at 9:16 AM, Holloway, Clay
<CHolloway@kilpatricktownsend.com> wrote:

Rene,

It has come to our attention that the same declaration was filed in both the 363 IPRs. We recognize your objection to the June 23 filing date request, but write to request your consent to substitute the declaration in the 1482 with the attached. In trying to file multiple IPRs, the wrong 363 declaration was submitted and this type of clerical error has been corrected numerous times by the PTAB.

Regards,
Clay

<image001.gif>

Clay Holloway

Kilpatrick Townsend & Stockton LLP

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office 404 815 6537 | cell 770 778 6158 | fax 404 541 3484

cholloway@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

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