
From: Steve Sereboff <SSereboff@socalip.com>
Sent: Friday, February 9, 2018 10:12 AM
To: Rader, Michael
Cc: Giunta, Richard F.; Hunt, Elisabeth; Conley, Bryan S.; Jonathan Pearce
Subject: RE: AIT v. RPX, Nos. 2017-1698, -1699, -1701 [A213.L17199]

Mike,

I write this morning for two reasons.

First, I wish to address your client's concerns about confidentiality. We believe that my oral argument kept well within the bounds of AIT's obligations. Apparently RPX agreed, because at no time at the hearing did you or co-counsel raise an objection to anything I said. The statements of the judges are another matter. You, of course, are the watchdog of your client's confidential information in this matter, whether by parties or the court. You didn't object to any statements by the judges. Given the numerous arguments in your brief that AIT had waived arguments by failing to timely raise them, no doubt you recognize that the absence of objections by your team at the hearing equates to consent. Nonetheless, if you wish to have the transcript or the audio recording redacted, we will not object.

Second, it seems that now is a good time for the parties to discuss settlement. If your client is interested, counsel is invited to contact me.

/steve/

From: Michael Rader [mailto:Michael.Rader@WolfGreenfield.com]
Sent: Wednesday, January 31, 2018 5:08 AM
To: Steve Sereboff <SSereboff@socalip.com>
Cc: Rich Giunta <Rich.Giunta@WolfGreenfield.com>; Elisabeth H. Hunt <Elisabeth.Hunt@WolfGreenfield.com>; Bryan S. Conley <Bryan.Conley@WolfGreenfield.com>
Subject: AIT v. RPX, Nos. 2017-1698, -1699, -1701

Dear Steve,

I write in anticipation of the upcoming oral argument before the Federal Circuit on February 7, 2018 in the above-referenced appeal. As you know, the parties' briefs and the Appendix contain highly sensitive RPX confidential information that remains subject to the PTAB Protective Order and the protections of Federal Circuit Rules 11(c), 17(e), 28(d) and 30(h).

The Federal Circuit's oral argument guidelines (http://www.cafc.uscourts.gov/sites/default/files/arguments/notice_to_counsel.pdf) make clear that counsel are not to discuss, during oral argument, any confidential information. We trust that, in compliance with the PTAB's protective order and the applicable Federal Circuit rules and guidelines, you will refrain from mentioning any RPX confidential information during the argument. If you have any questions about what you are permitted to say, please contact me at least 48 hours in advance of the argument so that I can discuss with RPX if necessary and get back to you.

I look forward to seeing you next week.

Best regards,

RPX Exhibit 1088

Mike Rader



Michael N. Rader | Shareholder

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