

Subject: Re: IPR2016-00204 (IPR2016-01101, -01242, -01245 joined) Service Copies
Date: Friday, December 2, 2016 at 1:43:46 PM Eastern Standard Time
From: Matthew Dowd
To: Augsburg, Jennifer L., Reister, Andrea
CC: Robbins, Jennifer L, Longton, Rick, Krygowski, Evan, wjenks@jenksiplaw.com, sparmalee@wsgr.com, mrosato@wsgr.com, jmills@wsgr.com, mfedowitz@merchantgould.com, devans@merchantgould.com, gspeier@carlsoncaspers.com, jali@carlsoncaspers.com
Attachments: image001.png

Andrea:

We write concerning Patent Owner's objections served November 21, 2016.

We request that Patent Owner withdraw its objection to Exhibits 1048-1213 based on the reliance on 37 C.F.R. § 42.51(b)(1)(i). The objection is without any basis in fact or law. First, § 42.51(b)(1)(i) is not a basis for excluding admissible evidence. Second, Petitioner's service of the documents complied with the rules governing service of documents. See 37 C.F.R. § 42.6(e)(1). You have provided no explanation of why you believe service was insufficient.

Third, and perhaps most importantly, you have acknowledged that you received all of the documents that were required to be served. During the meet-and-confer on Wednesday, November 23, I asked you whether you had received all of the documents that were to be served, and you replied that you had not identified any missing documents. I further asked you to inform me as soon as possible if you did in fact identify any such missing documents. We have also offered to extend upcoming deadlines to any reasonable extent you feel necessary. Given that the meet-and-confer was more than one week ago, and that I have received no further communication from you on this issue, the only reasonable conclusion is that you did in fact receive all of the documents as served. Thus, even if service were untimely, as you contend, Patent Owner has experienced no prejudice.

In view of the above, Patent Owner has no basis in law or fact to object to the exhibits based on service. We therefore request that you withdraw your objection, as it can be viewed only as a frivolous argument, a frivolous request for relief, and an attempt to cause unnecessary delay and an unnecessary increase in the cost of the proceeding. Please confirm by 5PM on Sunday that Patent Owner agrees to withdraw this objection.

If Patent Owner refuses to withdraw the objection, Petitioners will consider moving to recover attorneys' fees associated with responding to the objection, pursuant to 35 U.S.C. § 316(a)(6) and 37 C.F.R. § 42.12.

Best regards,

Matthew J. Dowd
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ARGENTUM Exhibit 1214
Argentum Pharmaceuticals LLC v. Research Corporation Technologies, Inc.
IPR2016-00204
Page 00001

From: Matthew Dowd <mjdowd@dowdpllc.com>

Date: Wednesday, November 23, 2016 at 10:21 AM

To: "Augsburger, Jennifer L." <jaugsburger@cov.com>, "Reister, Andrea" <areister@cov.com>

Cc: "Robbins, Jennifer L" <jrobbins@cov.com>, "Longton, Rick" <rlongton@cov.com>, "Krygowski, Evan" <EKrygowski@cov.com>, "wjenks@jenksiplaw.com" <wjenks@jenksiplaw.com>, "sparmalee@wsgr.com" <sparmalee@wsgr.com>, "mrosato@wsgr.com" <mrosato@wsgr.com>, "jmills@wsgr.com" <jmills@wsgr.com>, "mfedowitz@merchantgould.com" <MFedowitz@MerchantGould.com>, "devans@merchantgould.com" <devans@merchantgould.com>, "gspeier@carlsoncaspers.com" <GSpeier@carlsoncaspers.com>, "jali@carlsoncaspers.com" <JAli@carlsoncaspers.com>

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Andrea:

We obviously disagree with your position regarding the service of documents. Your position does not support the exclusion of otherwise admissible evidence. We provided you a copy of the service documents in a manner that minimized the burden on Patent Owner by avoiding having to download multiple files or receiving multiple e-mails with large attachments. The rules contemplate the resolution of issues such as this without burdening the Board. In the week you since you've received the documents, I have not received any communication from you about any inadvertently labeled files, and thus I presume you have received the files and are preparing for cross-examination of the witnesses.

In any event, to avoid burdening the Board with a non-issue, and even in the absence of any prejudice experienced by Patent Owner, we are willing to extend the upcoming dates to any reasonable extent you feel necessary. I look forward to hearing from you so the parties can focus on the merits of the proceeding.

Best regards,

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From: "Augsburger, Jennifer L." <jaugsburger@cov.com>

Date: Monday, November 21, 2016 at 4:26 PM

To: Matthew Dowd <mjdowd@dowdpllc.com>, "wjenks@jenksiplaw.com" <wjenks@jenksiplaw.com>, "sparmalee@wsgr.com" <sparmalee@wsgr.com>, "mrosato@wsgr.com" <mrosato@wsgr.com>, "jmills@wsgr.com" <jmills@wsgr.com>, "mfedowitz@merchantgould.com" <MFedowitz@MerchantGould.com>, "devans@merchantgould.com" <devans@merchantgould.com>, "gspeier@carlsoncaspers.com" <GSpeier@carlsoncaspers.com>, "jali@carlsoncaspers.com" <JAli@carlsoncaspers.com>

Cc: "Reister, Andrea" <areister@cov.com>, "Robbins, Jennifer L" <jrobbins@cov.com>, "Longton, Rick" <rlongton@cov.com>, "Krygowski, Evan" <EKrygowski@cov.com>

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Counsel:

Attached please find the service copies of Patent Owner's Objections to Evidence, Patent Owner's Updated Exhibit List, and Ex. 2189-2190, filed with the PTAB today in the subject IPR proceeding.

Kind regards,
Jenn

Jenn Augsburger
IP Attorney Specialist

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