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Subject: IPR2016-01259, IPR2016-01261, IPR2016-01262, and IPR2016-01263 -- Motion to Submit Supplemental Material

Follow Up Flag: Follow up
Flag Status: Completed

Board:

Pursuant to 37 CFR 42.123 and in accordance with footnote 2 of Paper Nos. 21 (IPR2016-01259), 18 (IPR2016-01261), 18 (IPR2016-01262), and 24 (IPR2016-01263), Petitioners seek the Board's authorization to file a motion to submit previously-expunged Exhibit Nos. 1153 (IPR2016-01259), 1054 (IPR2016-01261), 1054 (IPR2016-01262), and 1053 (IPR2016-01263) as supplemental evidence in IPR2016-01259, IPR2016-01261, IPR2016-01262, and IPR2016-01263. Petitioners believe that the information contained in the exhibits—namely Petitioners' expert's rebuttal opinions regarding how a person of ordinary skill in the art would understand the "switching facility" claim terms—is relevant to the construction of the "switching facility" terms in these cases. Following a meet and confer, Patent Owner has indicated that it opposes Petitioners' request.

Should the Board deem a call necessary before determining whether Petitioners are authorized to submit their motion, while Petitioners are available this afternoon, Patent Owner has indicated that it is instead available on Thursday, January 19th. As such, all parties are available for a call between 3:30 pm and 5 pm ET tomorrow, January 19th.

Sincerely,
Sarah Guske

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