

From: [Vignone, Maria](#) on behalf of [Trials](#)
To: harper.batts@bakerbotts.com; [Goldberg, Joshua](#); [Trials](#)
Cc: [May, Timothy](#); [Barney, James](#); [Dreyer, Lauren](#); [Young, Lauren](#); Eliot.Williams@BakerBotts.com
Subject: RE: Elekta v. Varian (IPR2016-01902 and -01904)
Date: Tuesday, March 07, 2017 11:32:34 AM

Counsel: Petitioner is authorized to file a stipulated motion to file supplemental information and attach the claim construction order as an exhibit.

Thank you,

Maria Vignone
Paralegal Operations Manager
Patent Trial and Appeal Board
United States Patent and Trademark Office
703-756-1288

From: harper.batts@bakerbotts.com [mailto:harper.batts@bakerbotts.com]
Sent: Friday, February 17, 2017 12:25 PM
To: Joshua.Goldberg@finnegan.com; Trials <Trials@USPTO.GOV>
Cc: timothy.may@finnegan.com; James.Barney@finnegan.com; Lauren.Dreyer@finnegan.com; lauren.young@finnegan.com; Eliot.Williams@BakerBotts.com
Subject: RE: Elekta v. Varian (IPR2016-01902 and -01904)

Dear PTAB,

For clarification, Patent Owner Varian explained to Petitioner Elekta that it would not oppose a motion to file the order as supplemental information, and that Patent Owner's position is that rule 42.8 is not a mechanism for submitting orders from related litigation.

Thank you.

- Harper
Back-up Counsel for Patent Owner

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From: Goldberg, Joshua [mailto:Joshua.Goldberg@finnegan.com]
Sent: Friday, February 17, 2017 9:12 AM

To: trials@uspto.gov

Cc: May, Timothy; Barney, James; Dreyer, Lauren; Young, Lauren; Batts, Harper; Williams, Eliot D.

Subject: Elekta v. Varian (IPR2016-01902 and -01904)

Dear PTAB,

In the litigation related to these proceedings (*Varian Medical Systems, Inc. v. Elekta AB et al.*, No. 15-871-LPS (D. Del.)), the district court issued yesterday a claim construction order and opinion on the same terms discussed in the Petition and in Patent Owner's Preliminary Response.

Rule 42.8 requires the parties to file updated mandatory notices within 21 days of a change of the related matters. During conference calls in other proceedings not involving the parties to these proceedings, some panels have asked Petitioner Elekta's counsel to file such notices whenever something significant happens in the related litigation; other panels have told Elekta's counsel not to do so. Could you please let us know whether the panel for these proceedings would like Elekta to file updated mandatory notices for the claim construction order and opinion? If yes, would the panel like Elekta to include copies of the claim construction order and opinion as exhibits?

Patent Owner Varian's position is that a mandatory notice should not be filed for the claim construction order and opinion.

Best regards,

Joshua L. Goldberg

Backup Counsel for Petitioner

Joshua L. Goldberg

Partner and Attorney at Law

Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

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