

Olinger, Jonathan

From: Parezo, Jessica <jparezo@cov.com>
Sent: Friday, August 04, 2017 4:22 PM
To: Olinger, Jonathan; Holloway, Clay; Mylan-WC-IPR; Stockwell, Mitch
Cc: Reister, Andrea; Kamholz, Scott; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com); Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com)
Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Jonathan,

We decline to produce Mr. Tanjoh for cross-examination in the IPR proceeding. Instead, however, Patent Owner would consent to using the March 2017 deposition transcript from the litigation in the IPR proceeding, and would work with Petitioner to file the appropriate protective order papers, if necessary, in the district court and the IPR proceeding.

In the event Petitioner chooses to proceed with a motion for additional discovery in the IPR proceeding, Patent Owner will provide its arguments in the opposition paper.

Regards,
Jessica

Jessica Parezo

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5498 | jparezo@cov.com
www.cov.com

COVINGTON

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Olinger, Jonathan [mailto:JOlinger@kilpatricktownsend.com]
Sent: Thursday, August 03, 2017 5:20 PM
To: Parezo, Jessica <jparezo@cov.com>; Holloway, Clay <CHolloway@kilpatricktownsend.com>; Mylan-WC-IPR <Mylan-WC-IPR@kilpatricktownsend.com>; Stockwell, Mitch <MStockwell@kilpatricktownsend.com>
Cc: Reister, Andrea <areister@cov.com>; Kamholz, Scott <SKamholz@cov.com>; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com) <maa@bskb.com>; Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com) <Lynde.Herzbach@bskb.com>
Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Jessica,

Following up on the Board's response to our request for a teleconference, please confirm by Monday, August 7th whether Patent Owner will agree to make its declarant, Mr. Tanjoh, available for cross-examination. If Patent Owner

continues to refuse to make Mr. Tanjoh available, please provide an explanation as to the basis for Patent Owner's refusal. We request more than a simple statement that you disagree with our analysis.

Best regards,
Jonathan

Jonathan D. Olinger

Kilpatrick Townsend & Stockton LLP

Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528

office 404 745 2426 | fax 404 541 3326

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

From: Parezo, Jessica [<mailto:jparezo@cov.com>]

Sent: Thursday, August 03, 2017 2:34 PM

To: Holloway, Clay; Olinger, Jonathan; Mylan-WC-IPR; Stockwell, Mitch

Cc: Reister, Andrea; Kamholz, Scott; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com); Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com)

Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Clay,

Yes, we are available tomorrow morning. We are also available in the afternoon, if that is more convenient for the Board. If any of those times are acceptable, please proceed to coordinate with the Board.

We are not available on Tuesday, August 8. We can provide availability for later in the week if necessary.

Regards,
Jessica

Jessica Parezo

Covington & Burling LLP

One CityCenter, 850 Tenth Street, NW

Washington, DC 20001-4956

T +1 202 662 5498 | jparezo@cov.com

www.cov.com

COVINGTON

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Holloway, Clay [<mailto:CHolloway@kilpatricktownsend.com>]

Sent: Thursday, August 03, 2017 1:02 PM

To: Parezo, Jessica <jparezo@cov.com>; Olinger, Jonathan <JOlinger@kilpatricktownsend.com>; Mylan-WC-IPR <Mylan-WC-IPR@kilpatricktownsend.com>; Stockwell, Mitch <MStockwell@kilpatricktownsend.com>

Cc: Reister, Andrea <areister@cov.com>; Kamholz, Scott <SKamholz@cov.com>; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com) <maa@bskb.com>; Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com) <Lynde.Herzbach@bskb.com>

Subject: RE: IPR2017-00203: Dr. McConville's Deposition

I received a voicemail about having the call tomorrow. Could we do before noon?

Clay Holloway

Kilpatrick Townsend & Stockton LLP

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

From: Holloway, Clay

Sent: Thursday, August 03, 2017 10:08 AM

To: 'Parezo, Jessica'; Olinger, Jonathan; Mylan-WC-IPR; Stockwell, Mitch

Cc: Reister, Andrea; Kamholz, Scott; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com);

Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com)

Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Jessica,

We are disappointed to hear Qualicaps' position on this matter. Petitioner will seek the testimony of Tanjoh-san as routine discovery, or in the alternative, seek leave of the Board to file a motion for additional discovery in the form of Tanjoh-san's deposition.

Please provide your availability for a call with the Board on Tuesday August 8.

Best regards,

Clay

Clay Holloway

Kilpatrick Townsend & Stockton LLP

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

From: Parezo, Jessica [<mailto:jparezo@cov.com>]

Sent: Monday, July 31, 2017 10:08 AM

To: Holloway, Clay; Olinger, Jonathan; Mylan-WC-IPR; Stockwell, Mitch

Cc: Reister, Andrea; Kamholz, Scott; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com);

Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com)

Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Clay,

We do not agree with your analysis, and, as such, do not agree to make Mr. Tanjoh available for cross-examination in this proceeding.

Regards,

Jessica

Jessica Parezo

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5498 | jparezo@cov.com
www.cov.com

COVINGTON

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Holloway, Clay [<mailto:CHolloway@kilpatricktownsend.com>]

Sent: Thursday, July 27, 2017 10:51 AM

To: Parezo, Jessica <jparezo@cov.com>; Olinger, Jonathan <JOlinger@kilpatricktownsend.com>; Mylan-WC-IPR <Mylan-WC-IPR@kilpatricktownsend.com>; Stockwell, Mitch <MStockwell@kilpatricktownsend.com>

Cc: Reister, Andrea <areister@cov.com>; Kamholz, Scott <SKamholz@cov.com>; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com) <maa@bskb.com>; Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com) <Lynde.Herzbach@bskb.com>

Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Jessica,

Petitioner points you to 37 CFR 42.53 regarding submission of direct testimony. Petitioner further points you to 77 Fed. Reg. 48756, 48761 (Aug. 12, 2012) regarding any testimony submitted by affidavit or declaration should arrange to make the witness available for cross-examination. If it is Patent Owner's intention to rely on the inventor declarations submitted in the prosecution of the patent, then Patent Owner needs to make the declarant available for deposition. As such, please let us know when Tanjoh-san's is available for deposition in San Francisco as soon as possible.

Regards,
Clay

Clay Holloway

Kilpatrick Townsend & Stockton LLP

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

From: Parezo, Jessica [<mailto:jparezo@cov.com>]

Sent: Wednesday, July 26, 2017 3:45 PM

To: Olinger, Jonathan; Mylan-WC-IPR; Stockwell, Mitch; Holloway, Clay

Cc: Reister, Andrea; Kamholz, Scott; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com); Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com)

Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Jonathan,

Patent Owner confirms Dr. McConville's deposition will take place on Thursday, August 17 at Covington's DC office.

Your email does not provide a basis for Petitioner's request to depose Mr. Tanjoh. Please provide a basis in the patent trial rules to support the request.

Regards,
Jessica

Jessica Parezo

Covington & Burling LLP



Find authenticated court documents without watermarks at docketalarm.com.

Washington, DC 20001-4956
T +1 202 662 5498 | jparezo@cov.com
www.cov.com

COVINGTON

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Olinger, Jonathan [<mailto:JOlinger@kilpatricktownsend.com>]
Sent: Tuesday, July 25, 2017 3:32 PM
To: Parezo, Jessica <jparezo@cov.com>; Mylan-WC-IPR <Mylan-WC-IPR@kilpatricktownsend.com>; Stockwell, Mitch <MStockwell@kilpatricktownsend.com>; Holloway, Clay <CHolloway@kilpatricktownsend.com>
Cc: Reister, Andrea <areister@cov.com>; Kamholz, Scott <SKamholz@cov.com>; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com) <maa@bskb.com>; Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com) <Lynde.Herzbach@bskb.com>
Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Counsel,

My apologies. I meant August 17 for Dr. McConville's deposition.

Best,
Jonathan

Jonathan D. Olinger
Kilpatrick Townsend & Stockton LLP
Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528
office 404 745 2426 | fax 404 541 3326
jolinger@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

From: Olinger, Jonathan
Sent: Tuesday, July 25, 2017 3:28 PM
To: 'Parezo, Jessica'; Mylan-WC-IPR; Stockwell, Mitch; Holloway, Clay
Cc: Reister, Andrea; Kamholz, Scott; MaryAnne Armstrong - Birch, Stewart, Kolasch & Birch, LLP (maa@bskb.com); Lynde Herzbach - Birch, Stewart, Kolasch & Birch, LLP (Lynde.Herzbach@bskb.com)
Subject: RE: IPR2017-00203: Dr. McConville's Deposition

Counsel,

Petitioner confirms that it will take Dr. McConville's deposition on July 17th in Covington's DC Office.

Petitioner would also like to take the deposition of inventor Masaru Tanjoh in relation to this proceeding. No later than July 28, please provide us with Tanjoh-san's availability for a deposition.

Best regards,
Jonathan

Jonathan D. Olinger
Kilpatrick Townsend & Stockton LLP
Suite 2800 | 1100 Peachtree Street NE | Atlanta, GA 30309-4528
office 404 745 2426 | fax 404 541 3326
jolinger@kilpatricktownsend.com | [My Profile](#) | [vCard](#)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.