
From: Sommer, Andrew R. [mailto:ASommer@winston.com]
Sent: Thursday, May 10, 2018 7:20 AM
To: Trials <Trials@USPTO.GOV>; 'Lisa.Nguyen@lw.com' <Lisa.Nguyen@lw.com>; chris.carraway@klarquist.com; Jamie.Lynn@BakerBotts.com; kayvan@noroozipc.com
Cc: Woods, Michael <MWoods@winston.com>; Dunham, Thomas M. <TDunham@winston.com>; william@noroozipc.com; Alan.Billharz@lw.com
Subject: RE: IPR2017-00176, -179: Request Under SAS

EMC Corporation consents as well.

Regards,

Andrew R. Sommer

Andrew R. Sommer

Partner

Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817
D: +1 (202) 282-5896
F: +1 (202) 282-5100

[Bio](#) | [VCard](#) | [Email](#) | www.winston.com

WINSTON
& STRAWN
LLP



From: Trials [mailto:Trials@USPTO.GOV]
Sent: Thursday, May 10, 2018 7:19 AM
To: Sommer, Andrew R. <ASommer@winston.com>; 'Lisa.Nguyen@lw.com' <Lisa.Nguyen@lw.com>;

chris.carraway@klarquist.com; Jamie.Lynn@BakerBotts.com; Trials <Trials@USPTO.GOV>; kayvan@noroozipc.com

Cc: Woods, Michael <MWoods@winston.com>; Dunham, Thomas M. <TDunham@winston.com>;

william@noroozipc.com; Alan.Billharz@lw.com

Subject: RE: IPR2017-00176, -179: Request Under SAS

Counsel:

Thank you for your responses. The Board notes that counsel for Dell, Inc. and EMC Corporation has confirmed that Dell, Inc. consents to the Board's proposed approach. However, counsel's email does not explicitly confirm that EMC Corporation also consents to this approach.

Please confirm EMC's position as soon as possible.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
Direct: 571-272-5366

From: Sommer, Andrew R. [<mailto:ASommer@winston.com>]

Sent: Thursday, May 3, 2018 5:36 PM

To: 'Lisa.Nguyen@lw.com' <Lisa.Nguyen@lw.com>; chris.carraway@klarquist.com; Jamie.Lynn@BakerBotts.com; Trials <Trials@USPTO.GOV>; kayvan@noroozipc.com

Cc: Woods, Michael <MWoods@winston.com>; Dunham, Thomas M. <TDunham@winston.com>;

william@noroozipc.com; Alan.Billharz@lw.com

Subject: RE: IPR2017-00176, -179: Request Under SAS

Mr. Kellogg,

For completeness, Petitioner Dell (in IPR2017-00176, -179) consents.

Regards,

Andrew R. Sommer

Andrew R. Sommer

Partner

Winston & Strawn LLP
1700 K Street, N.W.
Washington, DC 20006-3817

D: +1 (202) 282-5896

F: +1 (202) 282-5100

[Bio](#) | [VCard](#) | [Email](#) | www.winston.com

WINSTON
& STRAWN
LLP



From: Lisa.Nguyen@lw.com [<mailto:Lisa.Nguyen@lw.com>]

Sent: Thursday, May 03, 2018 3:55 PM

To: chris.carraway@klarquist.com; Jamie.Lynn@BakerBotts.com; Trials@USPTO.GOV; kayvan@noroozipc.com; Sommer, Andrew R. <ASommer@winston.com>

Cc: Woods, Michael <MWoods@winston.com>; Dunham, Thomas M. <TDunham@winston.com>; william@noroozipc.com; Alan.Billharz@lw.com

Subject: RE: IPR2017-00176, -179: Request Under SAS

Dear Mr. Kellogg,

Petitioner Veritas Technologies LLC (of IPR2017-01688 and IPR2017-01690) consents to the Board's consideration of the Petitions as proposed below.

Best regards,

Lisa

Lisa K. Nguyen

LATHAM & WATKINS LLP

140 Scott Drive
Menlo Park, CA 94025
Direct Dial: +1.650.470.4848
Fax: +1.650.463.2600
Email: lisa.nguyen@lw.com
<http://www.lw.com>

From: J. Christopher Carraway [<mailto:chris.carraway@klarquist.com>]

Sent: Thursday, May 03, 2018 12:35 PM

To: Jamie.Lynn@BakerBotts.com; Trials@USPTO.GOV; kayvan@noroozipc.com; asommer@winston.com

Cc: MWoods@winston.com; tdunham@winston.com; Nguyen, Lisa (SV) <Lisa.Nguyen@lw.com>; william@noroozipc.com; Billharz, Alan (DC) <Alan.Billharz@lw.com>

Subject: RE: IPR2017-00176, -179: Request Under SAS

Dear Mr. Kellogg,

Petitioners Hewlett-Packard Enterprise Co. and HP Enterprise Services, LLC (of IPR2017-00176 and IPR2017-00179) consent to the Board's consideration of the Petitions as proposed below.

Kind regards,

Chris Carraway

From: Jamie.Lynn@BakerBotts.com [<mailto:Jamie.Lynn@BakerBotts.com>]
Sent: Thursday, May 3, 2018 1:16 PM
To: Trials@USPTO.GOV; kayvan@noroozipc.com; asommer@winston.com
Cc: MWoods@winston.com; tdunham@winston.com; Lisa.Nguyen@lw.com; william@noroozipc.com; J. Christopher Carraway <chris.carraway@klarquist.com>; Alan.Billharz@lw.com
Subject: RE: IPR2017-00176, -179: Request Under SAS

Dear Mr. Kellogg,

Petitioner Teradata (of IPR2017-00806 and IPR2017-00808) consents to the Board's consideration of the Petitions as proposed below.

Best regards,
Jamie

From: Trials <Trials@USPTO.GOV>
Sent: Thursday, May 3, 2018 2:10 PM
To: Kayvan Noroozi <kayvan@noroozipc.com>; EXT Sommer, Andrew <asommer@winston.com>
Cc: Trials <Trials@USPTO.GOV>; Woods, Michael <MWoods@winston.com>; EXT Dunham, Tom (Verizon Wireless) <tdunham@winston.com>; Lisa.Nguyen@lw.com; William Rothwell <william@noroozipc.com>; Lynn, Jamie <Jamie.Lynn@BakerBotts.com>; J. Christopher Carraway (<chris.carraway@klarquist.com>) <chris.carraway@klarquist.com>; Alan.Billharz@lw.com
Subject: RE: IPR2017-00176, -179: Request Under SAS

Counsel,

The Board notes that IPR2017-00176 has been consolidated with IPR2017-00806 and joined with IPR2017-01688, and that IPR2017-00179 has been consolidated with IPR2017-00808 and joined with IPR2017-01690. The Board appreciates the parties' non-opposition to the Board's inclusion in this trial of all grounds raised in the Petitions (including (1) Franaszek and Hsu, and (2) Franaszek, Hsu, and Sebastian) without further briefing, notwithstanding their apparent dispute as to whether the Petitions adequately set forth separate grounds based on (1) Franaszek and Hsu, and (2) Franaszek, Hsu, and Sebastian. The Board notes, however, that even though counsel for the Petitioners in the four joined or consolidated proceedings were copied on the parties' prior emails, these e-mails explicitly referenced only the lead cases (IPR2017-00176 and IPR2017-00179), and counsel for Petitioners in the four joined or consolidated proceedings did not explicitly confirm that they consent to this approach.

In order to ensure that the record is clear, the Board requests that Patent Owner and the Petitioners in the six above-referenced proceedings respond to this e-mail to confirm that they consent to the Board considering and ruling on all patentability arguments set forth in the Petitions (including the Petitioners' unpatentability arguments based on (1) Franaszek and Hsu, and (2) Franaszek, Hsu, and Sebastian) without further briefing, and without further oral argument.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
Direct: 571-272-5366

From: Kayvan Noroozi [<mailto:kayvan@noroozipc.com>]
Sent: Wednesday, May 2, 2018 2:55 PM
To: Sommer, Andrew R. <ASommer@winston.com>
Cc: Trials <Trials@USPTO.GOV>; Woods, Michael <MWoods@winston.com>; Dunham, Thomas M.

<TDunham@winston.com>; Lisa.Nguyen@lw.com; William Rothwell <william@noroozipc.com>; jamie.lynn@bakerbotts.com; J. Christopher Carraway (chris.carraway@klarquist.com) <chris.carraway@klarquist.com>; Alan.Billharz@lw.com

Subject: Re: IPR2017-00176, -179: Request Under SAS

Your Honors:

To clarify, Patent Owner does not believe there is an *SAS* issue here. The petitions were instituted on all offered grounds and all challenged claims. Nonetheless, Petitioner correctly states that Patent Owner does not object to the Board addressing, in its final written decision, (1) Franaszek and Hsu; and (2) Franaszek, Hsu, and Sebastian.

Best
Kayvan Noroozi

Kayvan B. Noroozi
[Noroozi PC](#)
1299 Ocean Ave., Suite 450
Santa Monica, CA 90401
(310) 975-7074

On Wed, May 2, 2018 at 11:19 AM, Sommer, Andrew R. <ASommer@winston.com> wrote:

Your Honors:

Petitioner in the above-referenced proceedings requests that the Board consider the two grounds that it identified in the Petition in these matters, namely: (1) Franaszek and Hsu, and (2) Franaszek, Hsu, and Sebastian. Petitioner submits that the panel should evaluate the challenges set forth in the petition. Petitioner has conferred with Patent Owner, who does not object to this approach. The parties to these proceedings agree that all issues have been fully briefed and can be evaluated by the panel without further briefing unless the panel believes further briefing is needed.

Best regards,

Andrew R. Sommer

Reg. No. 53,932

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.