
From: Adam LaRock <ALAROCK@skgf.com>
Sent: Thursday, January 04, 2018 1:58 PM
To: Houston, Michael R.
Cc: ARG - dymista; McParland, Jim; Meara, Joe; Dennies Varughese; Deborah Sterling; Uma Everett; Josh Miller; Tyler Liu
Subject: RE: IPR2017-00807 // Dr. Carr deposition

Mike—

First, please confirm that you will take Dr. Carr's deposition in San Diego on Feb. 8.

Second, Dr. D'Addio is not available for deposition on Feb. 2. Instead, he is available on Jan. 25 in DC. Please confirm that you will take his deposition in DC on that day. Also, to accommodate your request to depose Dr. D'Addio and Dr. Smyth during the same week, Dr. Smyth is available for deposition on Jan. 23. Please confirm that date.

Third, Mr. Jarosz is available for deposition in DC on Feb. 13. Please confirm that you will take his deposition on that day.

As for your request to cross-examine Drs. Malhotra, Govindarajan, Herpin, and a representative from Avomeen, we do not intend to offer these individuals for cross-examination. These individuals are not Patent Owner's declarants in this proceeding. The documents from these individuals were cited by Dr. Smyth and Dr. Carr, whom you will have an opportunity to cross-examine. Moreover, the documents from Drs. Malhotra, Govindarajan, Herpin, and Avomeen were publicly available before Petitioner filed its Petition, and in the case of Dr. Malhotra, were brought into this case by Petitioner when it filed the '620 patent prosecution history. Indeed, Petitioner's declarant Dr. Donovan also relies on Dr. Malhotra's prosecution declaration. To the extent that Petitioner intends to raise this issue with the Board, Patent Owner is available for a Board call on Monday from 1:30-4:30 eastern.

Best regards,
Adam

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Exhibit 1173
IPR2017-00807