

## Iyer, Natasha

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**From:** Maebius, Steve  
**Sent:** Monday, March 19, 2018 10:57 AM  
**To:** 'Sommer, Andrew R.'  
**Cc:** Mathas, Kurt A.; MNutter@winston.com; Fentress, Tesa; Iyer, Natasha; Shaun Snader; Doug Carsten; Rich Torczon; Bobby Delafield; Veronica Ascarrunz; Quillin, George E.  
**Subject:** RE: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622

Drew,

Regarding Mr. Butler, Patent Owner agrees not to seek a deposition of Mr. Butler in relation to his existing declarations of record submitted with the Petition based upon your agreement below not to rely on the Butler declarations of record in reply or further papers in this proceeding.

With respect to the protective order, you are correct - our version only makes formatting/minor corrections.

Regards,

Steve

-----Original Message-----

From: Sommer, Andrew R. [mailto:ASommer@winston.com]  
Sent: Wednesday, March 14, 2018 5:53 PM  
To: Maebius, Steve  
Cc: Mathas, Kurt A.; MNutter@winston.com; Fentress, Tesa; Iyer, Natasha; Shaun Snader; Doug Carsten; Rich Torczon; Bobby Delafield; Veronica Ascarrunz; Quillin, George E.  
Subject: RE: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622

Steve:

Regarding Mr. Butler, Petitioner can agree not to rely on the declaration of record in reply or further papers in this proceeding. I presume we can agree a deposition is not needed since the parties agree that his testimony is not relevant to any issue on which trial was instituted.

Regarding the protective order, if I am understanding the comparison you provided, there are no substantive differences between the standard PO and the one you sent. There appears to be one instance in which the word "nonconfidential" was changed to "non-confidential" and some other small changes to formatting and the title of the document. If I'm missing something that you believe was a substantive change to the Board's default order, please let me know. If there are no other substantive differences, we are fine with the terms.

I think that wraps up the outstanding action-items. Please let me know if you think differently.

Regards,

Drew

Andrew R. Sommer  
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Winston & Strawn LLP

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-----Original Message-----

From: SMAebius@foley.com [mailto:SMAebius@foley.com]  
Sent: Tuesday, March 13, 2018 7:32 PM  
To: Sommer, Andrew R. <ASommer@winston.com>  
Cc: Mathas, Kurt A. <KMathas@winston.com>; Nutter, Michael K. <MNutter@winston.com>; HFentress@foley.com; Nlyer@foley.com; ssnader@unither.com; dcarsten@wsgr.com; rtorczon@wsgr.com; bdelafield@wsgr.com; vascarrunz@wsgr.com; GQuillin@foley.com  
Subject: Re: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622

Drew,

All of the proposed dates/locations will work for us.

Regards,

Steve

> On Mar 14, 2018, at 6:51 AM, Sommer, Andrew R. <ASommer@winston.com> wrote:

>

> Steve:

>

> Here's a further update:

>

> Dr. Mr. Duff can be made available on April 6th in Chicago.

>

> Dr. Bennett can be made available on March 29th for deposition in Chicago.

>

> The McDuff declaration includes public information and does not need to receive any confidential treatment.

>

> Please let us know if these dates work for your team, along with the earlier-proposed date for Dr. Donovan.

>

> I will get back to you on the Butler issue and the protective order tomorrow.

>

> Thanks.

>

> Drew

>

> Andrew R. Sommer

> Partner

> Winston & Strawn LLP

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> -----Original Message-----

> From: SMAebius@foley.com [mailto:SMAebius@foley.com]  
> Sent: Monday, March 12, 2018 5:41 PM  
> To: Sommer, Andrew R. <ASommer@winston.com>  
> Cc: Mathas, Kurt A. <KMathas@winston.com>; Nutter, Michael K.  
> <MNutter@winston.com>; HFentress@foley.com; NIyer@foley.com;  
> ssnader@unither.com; dcarsten@wsgr.com; rtorczon@wsgr.com;  
> bdelafield@wsgr.com; vascarrunz@wsgr.com; GQuillin@foley.com  
> Subject: RE: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622

> Drew,

> Attached is the protective order with tracked changes against the default protective order.

> Regards,

> Steve

> -----Original Message-----

> From: Sommer, Andrew R. [mailto:ASommer@winston.com]  
> Sent: Monday, March 12, 2018 4:52 PM  
> To: Maebius, Steve  
> Cc: Mathas, Kurt A.; MNutter@winston.com; Fentress, Tesa; Iyer, Natasha; Shaun Snader; Doug Carsten; Rich Torczon; Bobby Delafield; Veronica Ascarrunz; Quillin, George E.  
> Subject: RE: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622

> Steve:

> I'm following up on several open issues:

- > 1. We have checked with Dr. Donovan. She's available for deposition on April 4th in Chicago. Please let us know if that works for your team. She is not available the week that you requested.
- > 2. We are checking on dates for Dr. Bennett and Dr. McDuff and expect to provide those to you soon.
- > 3. We are looking into the legend you identified on the McDuff declaration and will respond to your question soon.
- > 4. We are considering your request regarding Mr. Butler's declaration and will respond on those issues soon.
- > 5. Regarding your protective order request, please send a track change copy vs. the Board's standard order.

> Thanks.

> Drew

> Andrew R. Sommer  
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> -----Original Message-----

> From: SMAebius@foley.com [mailto:SMAebius@foley.com]  
> Sent: Monday, March 12, 2018 11:51 AM  
> To: Sommer, Andrew R. <ASommer@winston.com>  
> Cc: Mathas, Kurt A. <KMathas@winston.com>; Nutter, Michael K.  
> <MNutter@winston.com>; HFentress@foley.com; Nlyer@foley.com;  
> ssnader@unither.com; dcarsten@wsgr.com; rtorczon@wsgr.com;  
> bdelafield@wsgr.com; vascarrunz@wsgr.com; GQuillin@foley.com  
> Subject: RE: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622

>

> Drew,

>

> We agree Butler is irrelevant to any instituted grounds, and if Petitioner agrees not to rely on any Declaration from Butler in its Reply or other papers in this IPR proceeding or the exhibits referred to in his declaration, then Patent Owner would agree not to depose him.

>

> On a different matter, we noted that the McDuff Declaration filed in these IPRs contains a "highly confidential" designation, but it was filed publicly. Can you please confirm that there is no confidential info in the McDuff Declaration?

>

> Regards,

>

> Steve

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> -----Original Message-----

> From: Sommer, Andrew R. [mailto:ASommer@winston.com]  
> Sent: Saturday, March 10, 2018 9:55 AM  
> To: Maebius, Steve  
> Cc: Mathas, Kurt A.; MNutter@winston.com; Fentress, Tesa; Iyer, Natasha; Shaun Snader; Doug Carsten; Rich Torczon; Bobby Delafield; Veronica Ascarrunz; Quillin, George E.  
> Subject: RE: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622

>

> Steve, I'm looking into this with our team and we will get back to you on it next week. In the meantime, can you please explain why you believe you need Mr. Butler's deposition? It does not strike us as being relevant to an instituted grounds.

>

> Regards,

>

> Drew

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>  
> ----- Original Message -----  
> Subject: RE: Watson Labs. v. UTC, Nos. IPR2017-01621, -01622  
> From: SMAebius@foley.com  
> Date: Mar 9, 2018, 12:49 PM  
> To: "Sommer, Andrew R." <ASommer@winston.com>  
>  
> Drew,  
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>  
>  
> We are writing to request deposition dates for your declarants and to discuss entering a protective order in these IPRs.  
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> (1) We would like to take the depositions of Donovan, Butler, Bennett and McDuff. If possible, we would like to  
conduct Dr. Donovan's deposition in the last week of March. For the other three, we would like to conduct them either  
in the last week of March or the first week of April. Please let us  
>  
> know if they are available at those times.  
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> (2) Attached is a draft protective order we propose to use for these IPRs. It is slightly modified relative to the  
Board's default protective order and has been used in other IPRs. Please let us know if this protective order is  
acceptable on your side.  
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> We look forward to hearing from you on these two items.  
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>  
> Regards,  
>  
>  
>  
> Steve  
>  
>  
>  
> Stephen B. Maebius  
>  
> Foley & Lardner LLP  
> 3000 K Street, N.W. | Suite 600  
> Washington, DC 20007-5109  
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>  
> View My Bio<<http://www.foley.com/Stephen-B-Maebius/>>  
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> [cid:image001.jpg@01D3B7B5.B15CD110]

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