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Subject: RE: Watson Labs. v. UTC, IPR2017-01621, -01622; request for conference call
Date: Wednesday, June 20, 2018 5:36:29 PM

Counsel: On Friday June 15, 2018, Patent Owner requested a teleconference to address two issues: 1) the scheduling and location of four non-party fact witness depositions, and 2) reliance in Patent Owner's post-SAS Supplemental Response on arguments previously presented in Patent Owner's Response. Pursuant to this request a teleconference was held on Wednesday, June 20, 2018, wherein both parties had the opportunity to address the panel.

With respect to the first issue, the parties have been unable to agree upon a location for the depositions of Drs. Ghofrani, Grimminger, Reichenberger, and Seeger, four non-party fact witnesses located in Germany. Both parties stressed that resolution of this issue was time sensitive, representing that scheduling the depositions would require substantial lead time. In recognition of the time-sensitive nature of this issue, we are notifying the parties of our decision by email. We will issue an Order explaining the basis of our decision in due course. After carefully considering the arguments presented by both parties, we authorize the depositions of Drs. Ghofrani, Grimminger, Reichenberger, and Seeger to occur in Germany or, in the event depositions in Germany prove impracticable, in such other European country as is mutually agreeable to the parties and the witnesses. The parties are encouraged to work together to minimize inconvenience to the parties and to the witnesses. The parties are further encouraged to modify scheduling deadlines as contemplated in the Scheduling Order if necessary to accommodate these depositions.

With respect to the second issue, the panel agreed that Patent Owner may, in its post-SAS Supplemental Patent Owner Response, refer back to arguments raised in the Patent Owner Response.

Thank you,

Maria Vignone
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
703-756-1288

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Subject: Watson Labs. v. UTC, IPR2017-01621, -01622; request for conference call

Dear Board:

Patent Owner requests a telephone conference to address two separate issues. First, the parties have been unable to reach agreement on the scheduling and location of four non-party fact witnesses located in Germany and request a call with the Board for guidance. Second, Patent Owner requests clarity regarding the reference and reliance in its post-SAS Supplemental Response on arguments previously presented in Patent Owner's Response.

The parties are available for a conference call on Tuesday June 19th any time after 2:30 pm ET or Wednesday June 20th any time except 2-4 pm ET. The Patent Owner will provide a court reporter. Counsel for Petitioner is copied on this email.

Best regards,

George E. Quillin
Back up counsel for Patent Owner

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