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Subject: IPR2018-01254: Request for Authorization

Docket Nos.: IPR2018-01254

Petitioner: Intuitive Surgical, Inc.

Patent Owner: Ethicon LLC

Dear Trial Board,

We represent the Patent Owner in IPR2018-01254. We write jointly concerning an agreement the parties have reached, subject to the Board's approval.

Petitioner has asserted in its Reply that the sale of its robotic staplers demonstrates that tactile feedback is not a critical design feature (see Reply at 8-9). In IPR2018-00936, Petitioner asserted the same argument, and the Board authorized Patent Owner to submit under seal with its Sur-Reply deposition testimony from the co-pending litigation of one of Petitioner's employees, which Patent Owner contends is inconsistent with this argument. See IPR2018-0036, Paper No. 23 at 3-4 (July 19, 2019). The Board further authorized Petitioner to file a Sur-Sur-Reply up to 6 pages in length one week after Patent Owner files its Sur-Reply, which will be limited to responding to content appearing in Patent Owner's Sur-Reply that is directed to the new evidence. *Id.*

Counsel for Patent Owner and Petitioner have conferred by email and request authorization to apply the same procedure in IPR2018-01254.

Should the Board wish to have a teleconference, the parties are available for a teleconference with the Board next Wednesday (8/7) and Thursday (8/8).

Respectfully,

Christopher Marando

Back-up Counsel for Patent Owner (Reg. No. 67,898)