

From: [Border, Scott](#)
To: [Christopher Evans](#); [Joseph Micallef](#); [Greenhut, Jason P.](#)
Cc: [Alfonso G Chan](#); [Alicia Cary-Howell](#); [Shukri Abdi](#); [Rhonda Polvado](#); [Caroline Johnson](#)
Subject: RE: SRC Labs LLC & St. Regis Mohawk Tribe v. Microsoft Corp., Case No. 18-cv-321-JLR (W.D. Wash.)
Date: Tuesday, October 9, 2018 11:34:53 AM

Chris,

As we proposed previously, Microsoft would be willing to enter into a mutual stay of the IPRs pending the Federal Circuit's resolution of the rehearing petition directed to the tribal immunity issue if SRC and SRMT are willing to stay all district court proceedings on the patents that are the subject of those IPR. If your client cannot agree to that, Microsoft will oppose any motion to stay the PTAB proceedings, although we take no position on your request to the Board to file such a motion.

We also previously explained that for any potential PHV motion by you or Michael Shore, Microsoft will not oppose for those proceedings involving patents for which there is no possibility of amending claims should the IPR be instituted. For those IPR proceedings involving patents where future claim amendment could be possible after institution, e.g., the 324 and 800 Patent proceedings, Microsoft also will not oppose at this time. However, if those IPRs are instituted and proceed past your motion practice on immunity, Microsoft reserves its right to seek a supplemental protective order with a prosecution bar in the district court. Of course, such a protective order would be unnecessary if you agree that SRMT will not seek to amend those patents during the IPR proceedings.

SCOTT M. BORDER

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From: Christopher Evans <cevens@ShoreChan.com>
Sent: Thursday, October 4, 2018 4:18 PM
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Subject: FW: SRC Labs LLC & St. Regis Mohawk Tribe v. Microsoft Corp., Case No. 18-cv-321-JLR (W.D. Wash.)

Scott, Joseph, and Jason,

The Saint Regis Mohawk Tribe is going to seek permission from the Board to file the attached motion to stay the IPRs in light of the pending Federal Circuit appeal on whether sovereign immunity applies to IPRs. Please let me know if you will oppose our request to file the motion and whether you will oppose the motion itself.

Also, I am also going to request permission to file a Motion for *Pro Hac Vice Admission* for myself. Please let me know if Microsoft will oppose this motion as well.

Sincerely,

Chris Evans



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From: Cederoth, Richard A. <rcederoth@sidley.com>
Sent: Friday, September 21, 2018 12:38 PM
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Subject: RE: SRC Labs LLC & St. Regis Mohawk Tribe v. Microsoft Corp., Case No. 18-cv-321-JLR (W.D. Wash.)