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Sent: Friday, June 28, 2019 3:22 PM
To: Trials
Cc: Goettle, Daniel; Rocci, Steven; Guest-TekIPR; 'BoxNomadix@knobbe.com'; 'Doug.Muehlhauser@knobbe.com'; '2dgm@knobbe.com'; '2whs@knobbe.com'
Subject: IPR2019-00211, IPR2019-00253 -- Request for Authorization to File Motion to Submit Supplemental Information

Dear Board,

Petitioner Guest Tek Interactive Entertainment Ltd. respectfully requests authorization from the Board to promptly file a motion to submit supplemental information under 37 CFR § 42.123(a) in IPR2019-00211 and IPR2019-00253. The supplemental information that Guest Tek seeks to submit is a supplemental affidavit from Gerard Grenier, Senior Director of Content Management of The Institute of Electrical and Electronics Engineers (IEEE).

Specifically, Guest-Tek included a first affidavit from Mr. Grenier as exhibit 1012 to the petition in both proceedings to establish public availability of the 98-010P Report (exhibit 1007) as prior art. In Patent Owner's preliminary responses, Patent Owner contended that Mr. Grenier, among other things, never stated that the 98-010P Report was publicly available at the relevant time, but only offered "vague or irrelevant statements." Paper 5 at 30. Patent Owner also filed objections to the 98-010P Report and Mr. Grenier's affidavit. Paper 8.

While Guest Tek disagrees with Patent Owner's contentions and objections regarding Mr. Grenier's first affidavit, and believes that the affidavit (along with various other evidence submitted with the petitions) sufficiently establishes public availability of the 98-010P Report, Guest Tek nonetheless obtained a supplemental affidavit from Mr. Grenier that specifically addresses the purported issues raised by Patent Owner as to the first affidavit. Guest Tek timely served the affidavit as supplemental evidence in response to Patent Owner's objections. Guest Tek now seeks authorization to also submit the affidavit as supplemental information.

In sum, Guest Tek respectfully requests the Board's authorization to file a motion to submit Mr. Grenier's new affidavit as supplemental information in IPR2019-00211 and IPR2019-00253. Guest Tek's request satisfies the requirements of 37 CFR § 42.123(a) because (1) it is made within one month of the date the trials were instituted in IPR2019-00211 and IPR2019-00253 and (2) the supplemental information is relevant to a claim for which trial has been instituted (i.e., invalidity ground 2 of Guest-Tek's petitions). If authorized, Guest Tek's motion will be promptly filed and will comply with the relevant rules. Also, although a copy of the affidavit is not attached to this email, a copy can be emailed to the Board if it would be helpful.

Patent Owner has stated that it opposes Guest Tek's request to submit supplemental information. The parties are in the process of determining their availability in case the Board would like to conduct a conference call to discuss this matter.

Respectfully submitted,

Jeff

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