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To: Trials <Trials@USPTO.GOV>

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Subject: IPR2019-00311 and IPR2019-00314 Objections to Evidence / Supplemental Evidence

Dear Board:

On July 22, 2019, Patent Owner filed Objections to Evidence in IPR2019-00311 and IPR2019-00314 relating to Exhibit 1007, the Florio Declaration, and its testimony regarding whether a number of the prior art references in the subject petitions are printed publications.

Petitioners Canon and Axis seek authorization to file a motion addressing these objections in two ways.

First, Petitioners seek authorization to file, as supplemental information, the supplemental evidence that will be timely served next Monday, August 5, 2019, in response to Patent Owner's Objections to Evidence. Petitioners will be prepared to discuss the contents of this supplemental evidence with specificity on Monday, but currently intend that it include at least the following evidence: a MIT Library copy of the Dimitrova reference; a Library of Congress copy of the Flinchbaugh reference; a University of Virginia Library copy of the Brill reference; MIT declarations from other proceedings discussing MIT's shelving and indexing policies; copies of webpages from the Library of Congress regarding the standard MARC format.

Second, Petitioners seek authorization to file a motion to subpoena certain entities and compel testimony and/or production of documents from those entities under 37 C.F.R. § 42.52, and corresponding authorization to file any testimony or documents produced by any of these entities with the Board. Petitioners currently intend that these entities include at least one or more of the MIT Library, the University of Michigan Media Union, the University of Virginia Library, North Carolina State University Library, the University of California Los Angeles Science & Engineering Library, and the Library of Congress.


Patent Owner opposes Petitioners' request for authorization.

The parties are available for a call next Tuesday or Wednesday (August 6 or 7) at 11:00AM Eastern.

Respectfully submitted:

Joseph A. Calvaruso, On behalf of both Petitioners

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