

**From:** [Rodney R. Miller](#)  
**To:** [Jensen, Travis](#); [Jonathan K. Waldrop](#); [John Downing](#)  
**Cc:** [Herman, K. Patrick](#); [Daniel C. Miller](#)  
**Subject:** RE: IPR2019-00019 - Apple v. Fintiv  
**Date:** Thursday, November 21, 2019 10:38:07 AM  
**Attachments:** [image001.jpg](#)  
[image003.png](#)

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Travis,

We have some concerns. In our initial thought is to ask Apple to withdraw its IPR and refile as we have some fairness concerns regarding word count and Patent Owner's time to respond. We are available this afternoon ET to discuss.

Rodney

Rodney R. Miller  
Kasowitz Benson Torres LLP  
1349 West Peachtree Street, N.W.  
Suite 1500  
Atlanta, Georgia 30309  
Tel. (404) 260-6097  
Fax. (404) 393-0462  
[RMiller@kasowitz.com](mailto:RMiller@kasowitz.com)

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**From:** Jensen, Travis [mailto:[tjensen@orrick.com](mailto:tjensen@orrick.com)]  
**Sent:** Thursday, November 21, 2019 12:18 AM  
**To:** Jonathan K. Waldrop ; Rodney R. Miller ; John Downing  
**Cc:** Herman, K. Patrick  
**Subject:** IPR2019-00019 - Apple v. Fintiv

**\*\*EXTERNAL EMAIL\*\***

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Counsel,

Apple intends to notify the Board of the district court's oral claim construction rulings and seek leave to file the *Markman* order (when it issues) along with a short paper and accompanying exhibits that address how Apple contends the prior art satisfies the OTA proxy limitation as construed by the district court. Please advise if you oppose by noon ET on Friday and provide your availability for a call with the Board for Mon.-Wed. of next week. Thanks, Travis

**[Travis M. Jensen](#)**  
Partner, IP Litigation

[Orrick](#)  
[Silicon Valley](#)   
T 650-614-7458  
[tjensen@orrick.com](mailto:tjensen@orrick.com)

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