

**From:** [Trials](#)  
**To:** [Allan Bullwinkel](#)  
**Cc:** [Michael Heim](#); [Chris First](#); [James Batchelder](#); [McKeown, Scott](#); [Andrew Radsch](#); [Mark Rowland](#); [Adam Allgood](#); [Jeffrey Saltman](#); [Bill Sigler](#)  
**Subject:** RE: IPR2020-00335, -00336, -00337, -00338, -00339, -00485, -00486 - Motion to Disqualify  
**Date:** Friday, August 21, 2020 12:10:33 PM

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Counsel:

The panels respond as follows: We authorize (1) Patent Owner to file a motion to withdraw Dr. Almeroth's declaration and CV (Exs. 2001, 2043), and (2) Petitioner to file a motion to withdraw its motion to disqualify Dr. Almeroth and supporting exhibits. These motions should be filed within five business days of this email. As we understand that these motions are unopposed (the motions should include such representations), we do not provide for any time for oppositions to these motions.

Thank you,  
Eric W. Hawthorne  
Supervisory Paralegal Specialist  
Patent Trial and Appeal Board

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**From:** Allan Bullwinkel <[abullwinkel@hpcllp.com](mailto:abullwinkel@hpcllp.com)>  
**Sent:** Wednesday, August 5, 2020 4:48 PM  
**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>  
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Trials:

In each of the subject IPR proceedings, the parties have met and conferred regarding Dr. Almeroth's declaration (Ex. 2001) and Petitioner's motion to disqualify Dr. Almeroth. To resolve the issues relating to Dr. Almeroth, Patent Owner agrees to no longer rely on Dr. Almeroth's declaration and any references thereto in the preliminary response. Patent Owner also agrees that Dr. Almeroth will refrain from further participation in these proceedings. In turn, this should render moot Petitioner's motion to disqualify Dr. Almeroth.

To the extent the Board finds any filings are needed to address these issues, Patent Owner will file a

motion to withdraw Dr. Almeroth's declaration and CV (Exs. 2001, 2043), and Petitioner will file a motion to withdraw its motion to disqualify Dr. Almeroth and supporting exhibits. The parties propose filing their respective motions to withdraw within five business days of receiving the Board's authorization to do so.

If a conference call will help resolve these issues, the parties are available August 7 (10am-5pm ET), August 10 (10am-3pm ET), and August 11 (10am-5pm ET). Thank you.

Respectfully submitted,

Allan Bullwinkel  
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