

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YITA LLC,
Petitioner

v.

MACNEIL IP LLC,
Patent Owner

Case IPR2020-01139
U.S. Patent No. 8,382,186

**PETITIONER YITA LLC'S
WITHDRAWAL OF THE NOTICE OF
REMOTE DEPOSITION OF MR. VLADIMIR ORLOV**

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Petitioner Yita LLC gives notice that it is withdrawing the deposition notice of Mr. Vladimir Orlov (Paper 31). Yita reserves the right to notice the deposition of Mr. Orlov in the future as permitted by Board rules and the scheduling order for this case.

After filing the Notice to take Mr. Orlov's deposition, Yita's counsel learned that Mr. Orlov resides in Moscow, Russia, and that he planned to be physically located there during the deposition. *See Appendix A.* Because Yita's counsel has concerns that a deposition in Russia would be unlawful, Yita is withdrawing the Notice until the parties can work out a suitable solution. *Id.* At that time, Yita will file the appropriate notice and seek to test Mr. Orlov's testimony.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/R. Wilson Powers III/

R. Wilson Powers III
Registration No. 63,504
Counsel for Petitioner

Date: June 14, 2021

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S WITHDRAWAL OF THE NOTICE OF REMOTE DEPOSITION OF MR. VLADIMIR ORLOV** was served electronically via e-mail on June 14, 2021, in its entirety on the following counsel of record for Patent Owner:

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Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/R. Wilson Powers III/

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Registration No. 63,504
Counsel for Petitioner

Date: June 14, 2021

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APPENDIX A

From: Trey Powers
Sent: Friday, June 11, 2021 5:22 PM
To: Wille, David; Mark Walters; Walters, Chad
Cc: Stavinoha, Clarke; jperkins@perkinsip.com; Jason Fitzsimmons; Steve Merrill; PTAB Account; John Bamert; Rischel Voigt
Subject: RE: IPR2020-01139, -01142 (Discovery Scheduling)

Dave,

We are not asking you to prove a negative. We have simply and repeatedly asked for you to cite authority that depositions for U.S. cases are legal in Russia. You still have failed to provide any such authority, and as the proponent of the Russian deposition of your witness, that is your burden. Additionally, your references to past cases that your firm's been involved in and your reliance on Wikipedia entries to undermine the U.S. State Department website are unavailing and do not give us the assurance that proceeding with a deposition in Russia would be lawful.

In any event, your email eventually comes close to a workable solution in the penultimate paragraph. We would be willing to proceed with an interview of Mr. Orlov assuming: 1) the parties can reach the appropriate joint stipulation; and 2) the Board approves it. To that end, please prepare a joint stipulation for the interview of Mr. Orlov for our review. Once the parties have agreed to the stipulation, we can seek Board permission for entry of that stipulated procedure for the interview. We view Board permission for this approach as required. We note the parties sought and received Board permission before proceeding with interviews in PGR2020-00051 (which you cited below), and in IPR2020-01556 and IPR2020-01557.

We do not believe we will receive Board permission to proceed with the interview before Tuesday and it will not be a deposition in any event. Accordingly, we will withdraw our Notice of Deposition and reschedule when and if the parties and the Board agree to an interview procedure.

We suggest the parties may use a similar approach for Ms. Kaminskiene if necessary. We note that you have not confirmed her location or provided any authority indicating that a deposition at her location would be lawful.

Thanks very much,
Trey

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From: Wille, David <david.wille@bakerbotts.com>
Sent: Friday, June 11, 2021 3:52 PM
To: Trey Powers <TPOWERS@sternekessler.com>; Mark Walters <walters@lowegrahamjones.com>; Walters, Chad <chad.walters@bakerbotts.com>
Cc: Stavinoha, Clarke <clarke.stavinoha@BakerBotts.com>; jperkins@perkinsip.com; Jason Fitzsimmons <JFITZSIMMONS@sternekessler.com>; Steve Merrill <SMERRILL@sternekessler.com>; PTAB Account <PTAB@sternekessler.com>; John Bamert <bamert@lowegrahamjones.com>; Rischel Voigt

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