

From: [Trials](#)
To: [Day, Jim](#); [Trials](#)
Cc: "gonsalves@capitoliplaw.com"; "yoon@capitoliplaw.com"; [Callaway, Daniel](#); [Liaw, Winston](#)
Subject: RE: IPR2020-01235 and IPR2020-01301
Date: Wednesday, August 26, 2020 4:51:51 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Counsel,

In IPR2020-01235, Petitioner is authorized to file the order by the Federal Circuit Court of Appeals granting a petition for writ of mandamus filed by Petitioner seeking transfer of the related district court lawsuit from the Western District of Texas to the Northern District of California. The order should be filed as an exhibit. Petitioner is not authorized at this time to file a motion to submit supplemental information under 37 C.F.R. 42.123(c), which applies after a trial has been instituted. This email will be filed as a Board exhibit in IPR2020-01235.

IPR2020-01301 has not yet been assigned to a panel. After the case is assigned, the panel will respond to Petitioner's request with respect to IPR2020-01301.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
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From: Day, Jim <JDay@fbm.com>
Sent: Wednesday, August 19, 2020 8:03 PM
To: Trials <Trials@USPTO.GOV>
Cc: 'gonsalves@capitoliplaw.com' <gonsalves@capitoliplaw.com>; 'yoon@capitoliplaw.com' <yoon@capitoliplaw.com>; Callaway, Daniel <DCallaway@fbm.com>; Liaw, Winston <WLiaw@fbm.com>
Subject: IPR2020-01235 and IPR2020-01301

Dear PTAB:

Petitioner respectfully requests permission to file a motion to submit supplemental information under 37 C.F.R. 42.123(c) in IPR2020-01235 and IPR2020-01301. The supplemental information is an order by the Federal Circuit Court of Appeals granting a petition for writ of mandamus filed by Petitioner seeking transfer of the related district court lawsuit from the Western District of Texas to the Northern District of California. Petitioner could not have submitted the Federal Circuit order with its petitions in these proceedings because it issued on July 28, 2020, several weeks after the petitions were filed.

In earlier correspondence between the parties, Patent Owner's lead counsel confirmed that Patent

Owner will not oppose Petitioner's request to submit the Federal Circuit order as supplemental information in these two proceedings.

Respectfully,

James L. Day
Reg. No. 72,681
Counsel for Petitioner

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