

From: [Kannappan, Deepa](#)
To: [Maebius, Steve](#); [Trials](#)
Cc: [zLiquidiaIPR](#); [UT-793](#); [Houston, Michael R.](#); [Doug Carsten](#); [Milch, Erik](#)
Subject: RE: IPR2021-00406 || Request for Authorization to File Motion to Submit Supplemental Information under 37 CFR 42.123(b)
Date: Thursday, May 12, 2022 2:18:14 PM

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Dear Board,

If the Board were inclined to hear Patent Owner's request below, Petitioner requests, in parallel, authorization to file a motion to submit supplemental information under 37 CFR 42.123(b) to provide to the Board a copy of:

1. Testimony of Patent Owner's experts Dr. Clark and Dr. Smyth from the district court trial in D. Del, Civ. A. No. 1:20-cv-00755, which is inconsistent with Patent Owner's non-obviousness positions and Patent Owner's Response at pp. 38-40 in relation to claims 4, 6 and 7; and
2. Patent Owner's forthcoming responsive brief, due June 1, 2022, to Petitioner's Post-Trial Opening Brief Regarding Invalidity of U.S. Patent Nos. 9,593,066 and 10,716,793, which Petitioner anticipates to be the same.

Patent Owner opposes this request. Petitioner can address this issue on the call requested below by Patent Owner, or at the oral argument if preferable.

Sincerely,
Deepa Kannappan
Admitted *pro hac vice*
Counsel for Petitioner

Deepa Kannappan

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From: Maebius, Steve <SMaebius@foley.com>

Sent: Wednesday, May 11, 2022 7:06 PM

To: Trials <Trials@USPTO.GOV>

Cc: zLiquidialPR <zLiquidialPR@cooley.com>; UT-793 <UT-793@foley.com>; Houston, Michael R. <MHouston@foley.com>; Doug Carsten <dcarsten@mwe.com>; Milch, Erik <emilch@cooley.com>

Subject: RE: IPR2021-00406 || Request for Authorization to File Motion to Submit Supplemental Information under 37 CFR 42.123(b)

Importance: High

[External]

Dear Board,

Patent Owner requests authorization to file a motion to submit supplemental information under 37 CFR 42.123(b) to provide to the Board a copy of Petitioner's Post-Trial Opening Brief Regarding Invalidation of U.S. Patent Nos. 9,593,066 and 10,716,793, D. Del Civ. A. No. 1:20-cv-00755, Dkt Entry 406, filed on May 4, 2022, which is inconsistent with Petitioner's slide 12, served on May 9th and which supports the Patent Owner's Response at pp. 38-40 in relation to claims 4, 6 and 7. Petitioner opposes this request.

If the Board wishes to schedule a call with the parties ahead of the oral argument to discuss this request, the parties are available between 1 and 5 pm EST on May 12th. Alternatively, Patent Owner can address the issue at the oral argument if preferable.

Sincerely,
Steve Maebius
Reg. No. 35,264
Counsel for Patent Owner

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