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Subject: FW: IPR2022-00222: Samsung v. MemoryWeb - Proposal from the Parties on further conduct of the proceedings
Date: Thursday, June 15, 2023 4:32:55 PM

From: Hayes, Jennifer <jenhayes@nixonpeabody.com>
Sent: Friday, June 9, 2023 8:57 PM
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Subject: IPR2022-00222: Samsung v. MemoryWeb - Proposal from the Parties on further conduct of the proceedings

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Your Honors,

Pursuant to the Board's direction, the parties have met and conferred and jointly recommend the following further proceedings in the above-noted IPR proceeding.

First Phase

- Due Date 1: Two weeks from Board's Order following joint proposal
 - MemoryWeb's Brief on Additional Discovery and Document and Testimony Subpoena to Unified Patents
 - Samsung's Brief on Forfeiture and/or Waiver
- Due Date 2: Two weeks after Due Date 1
 - Samsung's Response to MemoryWeb's Brief on Additional Discovery and Subpoena to Unified Patents
 - MemoryWeb's Response to Samsung's Brief on Forfeiture and/or Waiver

Second Phase

- Due Date 3: If the First Phase of Briefing concludes with a Board Order granting MemoryWeb discovery on each of the items listed below, within 7 days of Board Order on the First Phase of Briefing
 - MemoryWeb will file as exhibits in this proceeding the non-confidential exhibits in IPR2021-01413 pertaining to RPI
 - If a deposition of a Unified witness is conducted, Samsung shall be entitled to participate and separately examine the witness after MemoryWeb has completed its examination; the parties agree to negotiate with Unified in good faith regarding the deposition scheduling and scope

- Samsung will produce to MemoryWeb, under seal, responsive non-privileged documents as follows: all non-privileged communications with Unified relating to MemoryWeb, the '228 patent, the Unified IPR, or this IPR (IPR2022-00031); all agreements or contracts between Samsung and Unified, including Samsung's membership agreement and any amendments or add-ons; a declaration (with any supporting exhibits) from a relevant Samsung declarant that addresses Samsung's relationship with Unified as it relates to the present proceeding; and, a privilege log.
 - MemoryWeb would be permitted a deposition of that witness of that witness
- Due Date 4: If the First Phase of Briefing concludes with a Board Order granting MemoryWeb discovery and authorizes a motion to terminate, within 14 days of completion of authorized discovery from Samsung and Unified Patents
 - MemoryWeb's Motion to Terminate
 - The brief will be limited to 30 pages
- Due Date 5: Within 21 days of MemoryWeb's Motion to Terminate
 - Samsung Response to Motion to Terminate
 - Samsung's brief will also be limited to 30 pages
 - If Samsung submits declaration, Samsung will make declarant available within 7 days of Due Date 5
- Due Date 6: Within 7 days of Samsung's response or 7 dates after a deposition if Samsung submits a declaration with its Response, MemoryWeb may file a 10 page reply
- Motions to Exclude
 - Due Date 7: Two weeks before oral hearing
 - Motions to Exclude (if any)
 - Due Date 8: One week before Oral Hearing
 - Opposition to Motions to Exclude (if any)
- Oral Hearing
 - Due Date 9: At the Board's convenience prior to the statutory deadline

Best Regards,

Jennifer Hayes

Jennifer Hayes

Partner

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