
From: Trials
Sent: Thursday, October 08, 2015 5:07 PM
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rfrederickson@goodwinprocter.com; IPR41578-0003IP1
Subject: RE: IPR2015-00766 - Report to Board on Patent Owner's Motion to Seal

Counsel:

Exhibit 2003 has been expunged in each of IPR2015-00766, IPR2015-00771, IPR2015-00779, and IPR2015-00781. We will not expunge any of the Preliminary Responses or require the parties to submit a withdrawal of redactions. Patent Owner should file a withdrawal of its Motion to Seal and the redacted Exhibit 2003 in each of IPR2015-00766, IPR2015-00771, IPR2015-00779, and IPR2015-00781. Then, in each case, we will make the un-redacted Preliminary Response and Exhibit 2002 publicly available.

Thank you,

Eric Hawthorne
Supervisory Paralegal Specialist
Patent Trial and Appeal Board (PTAB)

From: Thad Kodish [<mailto:TKodish@fr.com>]
Sent: Wednesday, October 07, 2015 3:01 PM
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Subject: IPR2015-00766 - Report to Board on Patent Owner's Motion to Seal

Dear Board:

Consistent with the Board's September 22, 2015 Order (the "Order") on the issue of Patent Owner's June 16, 2015 Motion to Seal (Paper 12), the parties herein report that they have met and conferred and agreed upon a proposed resolution respecting Exhibits 2002 and 2003 that are the subject of the Motion to Seal, succinctly described as follows:

1. That Patent Owner's Motion to Seal Exhibit 2002 be Withdrawn

The parties agree that Exhibit 2002 may be made publicly available. Accordingly, Patent Owner proposes withdrawing its Motion to Seal (Paper 12) in that respect. Patent Owner seeks the Board's guidance on the action it prefers Patent Owner take, if any, to effectuate this change of status while maintaining Exhibit 2002 in the record as support for its June 16, 2015 Preliminary Response and future filings. Petitioner maintains its objection to Exhibit 2002 based on relevance (Paper 16).

2. *That Patent Owner's Motion to Seal Exhibit 2003 be Withdrawn in Conjunction with Patent Owner's Provision of a Substitute Redacted Exhibit*

The parties propose that Patent Owner substitute a redacted version of Exhibit 2003, and agree that such redacted version may be made public in these proceedings. The proposed substitute redacted Exhibit 2003 is attached hereto. Again, Patent Owner seeks the Board's guidance on the action it prefers Patent Owner take, if any, to effectuate this change. Petitioner maintains its objection to Exhibit 2003 based on relevance (Paper 16).

3. *That Patent Owner's Redactions in its Preliminary Response be Withdrawn*

Consistent with the parties' aforementioned stipulations, Patent Owner proposes that it withdraw its redactions in its Preliminary Response (Paper 10). Specifically, the content at footnote 9 of Patent Owner's Preliminary Response would be made public. Accordingly, although Patent Owner awaits any guidance from the Board on how best to effectuate this change, it may suffice for the Board to make the unredacted version of the Preliminary Response (Paper 11) publicly available, and then for the Board to expunge the redacted version of the Preliminary Response (Paper 10).

For completeness, Patent Owner reserves its right to submit the redacted portions of Exhibit 2003 in connection with future filings in these proceedings, and Petitioner reiterates its objection to Exhibits 2002 and 2003 based on relevance.

Of course, the Parties welcome a call to discuss these issues if the Board prefers.

Regards,

Thad Kodish :: Managing Principal :: Fish & Richardson P.C.

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