

**Levi, Asher D.**

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**From:** Adam LaRock <ALAROCK@skgf.com>  
**Sent:** Monday, March 05, 2018 4:20 PM  
**To:** Houston, Michael R.  
**Cc:** ARG - dymista; Meara, Joe; Dennies Varughese; Deborah Sterling; Uma Everett; Josh Miller; Tyler Liu  
**Subject:** RE: IPR2017-00807 // Dr. Carr deposition

Mike—

Patent Owner does not agree to produce either Dr. Accetta's examination records (trial exhibits DTX-1 – DTX-11) or the expert report of Dr. Charles McCulloch. Patent Owner did not rely on these materials; and these documents are likely obtainable from Dr. Accetta and Dr. McCulloch directly. In fact, Petitioner has already tried to use a reproduction of one of Dr. Accetta's examination records during the deposition of Dr. Carr, further suggesting that Petitioner had these materials available to it. In addition, Petitioner unreasonably delayed making its request as information concerning the existence of these materials was available to Petitioner at least as of November 2016—more than two months before its petition was filed. See CIP2017, 220, 332. There was no reason for Petitioner to wait until two weeks before its reply was due to make this request. Patent Owner also objects to Apotex providing these materials in view of Apotex's obligations under the confidential litigation settlement agreement.

Best regards,  
Adam

**Adam LaRock**  
Director  
**Sterne, Kessler, Goldstein & Fox P.L.L.C.**  
**Email:** alarock@skgf.com  
**Direct:** 202.772.8794 **Main:** 202.371.2600

**Administrative Assistant:** Renee Moore  
**Direct Dial:** (202) 772.8820

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**From:** MHouston@foley.com [mailto:MHouston@foley.com]  
**Sent:** Wednesday, February 28, 2018 2:29 PM  
**To:** Adam LaRock  
**Cc:** ARG-dymista@foley.com; JMeara@foley.com; Dennies Varughese; Deborah Sterling; Uma Everett; Josh Miller; TLiu@agpharm.com  
**Subject:** RE: IPR2017-00807 // Dr. Carr deposition

No problem Adam. We'd like to suggest pushing the reply date back to the end of next week (March 9), in that case. Let us know.

Mike

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**From:** Adam LaRock [mailto:ALAROCK@skgf.com]  
**Sent:** Tuesday, February 27, 2018 10:23 PM  
**To:** Houston, Michael R.  
**Cc:** ARG - dymista; Meara, Joe; Dennies Varughese; Deborah Sterling; Uma Everett; Josh Miller; Tyler Liu  
**Subject:** RE: IPR2017-00807 // Dr. Carr deposition

Mike—

We are still considering your request but need a few more days before we can respond. We hope to have an answer for you before the week is out.

Best regards,  
Adam

**Adam LaRock**  
Director  
**Sterne, Kessler, Goldstein & Fox P.L.L.C.**  
**Email:** [alarock@skgf.com](mailto:alarock@skgf.com)  
**Direct:** 202.772.8794 **Main:** 202.371.2600

**Administrative Assistant:** Renee Moore  
**Direct Dial:** (202) 772.8820

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**From:** [MHouston@foley.com](mailto:MHouston@foley.com) [<mailto:MHouston@foley.com>]  
**Sent:** Tuesday, February 20, 2018 12:33 PM  
**To:** Adam LaRock  
**Cc:** [ARG-dymista@foley.com](mailto:ARG-dymista@foley.com); [JMeara@foley.com](mailto:JMeara@foley.com); Dennies Varughese; Deborah Sterling; Uma Everett; Josh Miller; [TLiu@agpharm.com](mailto:TLiu@agpharm.com); [MHouston@foley.com](mailto:MHouston@foley.com)  
**Subject:** RE: IPR2017-00807 // Dr. Carr deposition

Adam,

Pursuant to Rule 42.51(b)(2)(i), Petitioner hereby makes a formal request that Patent Owner voluntarily produce no later than February 28, 2018, the documents referenced during trial as exhibit numbers DTX-1 through DTX-10, all of which were introduced and admitted into evidence (*see, e.g.*, Exhibit CIP2018 at 53:20-58:17). Petitioner also requests copies of the opening and rebuttal reports of Dr. McCulloch (*see, e.g.*, Exhibit CIP2013 at 5). Since Patent Owner has repeatedly claimed that the trial was open to the public, there should be no confidentiality concerns related to these requests.

To the extent you believe there are confidentiality concerns, please detail what you believe those to be, and indicate whether Patent Owner does or does not object to allowing Apotex to waive any confidentiality concerns it may have (specifically, that were Apotex to waive confidentiality and provide these documents to Argentum, that this would NOT constitute any violation of any terms of the settlement agreement with Apotex resulting from the litigation).

Please let me know if you would like to discuss any aspect of these requests.

Regards,

Mike

**Michael R. Houston**

Foley & Lardner LLP  
321 North Clark Street | Suite 2800  
Chicago, IL 60654-5313  
P 312.832.4378

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