

EXHIBIT 3002 (pg 1 of 2)

From: [Trials](#)
To: [Zegger, Paul](#); [Trials](#)
Cc: [koneill@akingump.com](#); [dmoffett@akingump.com](#); [arosbrook@akingump.com](#); [dojemen@akingump.com](#); [Kushan, Jeffrey P.](#); [IPR Notices](#); [INGURANIPR@akingump.com](#)
Subject: RE: IPR2017-02184 – Request for Authorization to File Motion to Submit Supplemental Information
Date: Tuesday, May 15, 2018 3:54:21 PM

Counsel: The panel will issue an order in due course resolving Petitioner's request for authorization to file a motion to submit supplemental information under Rule 42.123(a). No conference call is required at this time.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
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From: Zegger, Paul [<mailto:pzegger@sidley.com>]
Sent: Friday, May 11, 2018 2:18 PM
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Subject: IPR2017-02184 – Request for Authorization to File Motion to Submit Supplemental Information

Your Honors,

Petitioner requests authorization in the above-referenced proceeding to file a motion to submit supplemental information under 37 C.F.R. § 42.123(a).

Petitioner's Position:

The supplemental information Petitioner would move to submit is the supplemental evidence that Petitioner served on Patent Owner on May 7, 2018, namely Exhibits 1035 through 1047. See Paper 14 (Petitioner's Updated Exhibit List). These exhibits further corroborate the public accessibility of Fugger (Ex. 1007)—a 102(b) prior-art reference relied upon in instituted ground 2 of the Petition—in September 1998. The exhibits include additional date-stamped copies of Fugger from September 1998, library and expert declarations attesting to Fugger's public accessibility in September 1998, and excerpts from prior IPR2014-01550 in which Patent Owner represented that Fugger was published in September 1998.

If the Board would like to discuss the basis of Petitioner's request, Petitioner is available for a call at the Board's convenience. Patent Owner does not oppose or consent to the motion.

Patent Owner's Position:

It is Patent Owner's position that Petitioner was obligated to submit evidence supporting the public accessibility Fugger et al. with its Petition. Moreover, many of the new exhibits are objectionable for one or more reasons, including because they contain hearsay. With regard to Petitioner's narrow request to submit these exhibits as supplemental information under Rule 42.123(a), however, Patent Owner does not oppose or consent. Instead, Patent Owner leaves the decision on whether Petitioner should be permitted to file 13 new exhibits as supplemental information to the Board's discretion.

Sincerely,

Paul Zegger

PAUL J. ZEGGER

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