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**From:** Tim Riffe <riffe@fr.com>  
**Sent:** Tuesday, March 19, 2019 3:30 PM  
**To:** Trials  
**Cc:** IPR39521-0044IP1; IPR39521-0044IP2; PTAB Inbound; AXF-PTAB; Thomas Rozylowicz; Viguet, Ross; Jennings, Cathie; Robinson, Eagle  
**Subject:** RE: IPR2018-01250 & IPR2018-01251

Dear Board,

Pursuant to the Board's instructions, Petitioner hereby notifies the Board that it has retained the services of an expert who will submit an expert declaration adopting the prior opinions set forth by Dr. Larry Davis in the above-identified IPRs. In addition, the expert will be made available for deposition on March 28, 2019. To accommodate this deposition date, the Parties respectfully ask that the Board waive the 10-business day notice period of 37 CFR 42.53(d)(4).

The parties have met and conferred on the suggested process for entering the substitute declarations into the record and agree that Petitioner shall serve and file a new Exhibit 1003 in IPR2018-01250 and a new Exhibit 1017 in IPR2018-01251, along with a request to expunge original Exhibits 1003 and 1017 (Expert Declarations of Dr. Larry Davis) from the record. In accordance with the Board's guidance on the conference call last week, the substitute declarations will be *identical* to Dr. Davis' earlier declarations, with the sole exception being the replacement of Dr. Davis' name and qualifications with those of the new expert.

With the Board's permission, Petitioner will so file and serve each substitute declaration by March 21, 2019, along with the request to expunge. As suggested by the Board, the Parties will proceed based on the foregoing agreement unless instructed otherwise prior to March 21.

Very best regards,  
Tim Riffe  
Counsel for Petitioner

Eagle Robinson  
Counsel for Patent Owner

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**From:** Robinson, Eagle <eagle.robinson@nortonrosefulbright.com>  
**Sent:** Tuesday, March 12, 2019 3:52 PM  
**To:** Trials@uspto.gov  
**Cc:** IPR39521-0044IP1 <IPR39521-0044IP1@fr.com>; IPR39521-0044IP2 <IPR39521-0044IP2@fr.com>; PTAB Inbound <PTABInbound@fr.com>; AXF-PTAB <AXF-PTAB@fr.com>; Thomas Rozylowicz <rozylowicz@fr.com>; Viguet, Ross <ross.viguet@nortonrosefulbright.com>; Jennings, Cathie <cathie.jennings@nortonrosefulbright.com>; Robinson, Eagle <eagle.robinson@nortonrosefulbright.com>; Tim Riffe <riffe@fr.com>  
**Subject:** IPR2018-01250 & IPR2018-01251

Dear Board –

Petitioner's expert, Dr. Davis, has become unavailable for cross-examination due to having accepted full-time employment with an employer who prohibits outside engagements. The Parties respectfully request a conference call to update the Board and seek the panel's guidance on the following points:

- Petitioner is working to find a substitute expert, and seeks leave to file either (i) substitute expert declarations along with substitute petitions, (ii) new declarations of the substitute expert as supplemental information, or (iii) new expert declarations of the substitute expert as exhibits;
- Patent Owner opposes the substitution of experts, petitions, or declarations under these circumstances, and seeks leave to file motions to strike Dr. Davis' testimony.

The parties are available for a conference call Thursday, March 14 from 1-3 pm EDT and 4:30-5:30 pm EDT, or Friday, March 15 from 1-5 pm EDT.

Respectfully,

Eagle Robinson  
Lead Counsel for Patent Owner

Tim Riffe  
Counsel for Petitioner

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