

6/11/2020

konda technologies Inc . Mail - Re: PGR2019-00037, -00042 - Transcript by your Court Reporter on May 27, 2020 Conference call with the Board



Venkat Konda <venkat@kondatech.com>

**Re: PGR2019-00037, -00042 - Transcript by your Court Reporter on May 27, 2020
Conference call with the Board**

Anderson, Paul M. <paulanderson@paulhastings.com>

Thu, Jun 11, 2020 at 7:17 AM

To: Venkat Konda <venkat@kondatech.com>

Cc: "Modi, Naveen" <naveenmodi@paulhastings.com>, FlexLogix Konda PGR <PH-FlexLogix-Konda-PGR@paulhastings.com>

Dr. Konda,

We have not yet received the transcript from the court reporter and therefore have not yet submitted it. If you would like to pay for expedited service in the future, please let us know. You are also welcome to pay for and provide a court reporter for future Board calls if you feel having not having a transcript in an expedited manner is somehow prejudicial to you.

We will submit the transcript of the call in a timely manner once it has been received.

Regards,

Paul Anderson

On Jun 10, 2020, at 8:45 PM, Venkat Konda <venkat@kondatech.com> wrote:

Mr. Modi, Mr. Anderson:

You did not file the transcript by your Court Reporter of May 27, 2020 Conference call with the Board as an exhibit per the Patent Trial and Appeal Board Consolidated Trial Practice Guide November 2019 at Page 10 as follows:

"If a court reporter is present for the conference call, the party that retained the court reporter should notify the panel at the beginning of the call that a reporter is on the line, and shall file the transcript of the call as an exhibit to the proceeding within one week of receiving the transcript."

Patent Owner is severely prejudiced by your delay for more than two weeks, Or are you not willing to submit it?
Please let me know by 11 AM EDT tomorrow (June 11, 2020).

Sincerely,
Venkat Konda
Pro se Patent Owner
Email: venkat@kondatech.com<mailto:venkat@kondatech.com>
Cell # 408-472-3273

On Tue, May 26, 2020 at 11:16 AM Venkat Konda <venkat@kondatech.com<mailto:venkat@kondatech.com>> wrote:
During the conference call on December 3, 2019 regarding requirement for Patent Owner to confer with the Board before filing a motion to amend, Board directed the parties to the Board's order in Lectrosonics, Inc. v. Zaxcom, Inc., Case IPR2018-01129, Paper 15 (PTAB Feb. 25, 2019) (precedential). See. e.g., Paper 15 in PGR2019-00037. Lectrosonics, Inc. Paper 15 provides guidelines in Section 8. Duty of Candor in pages 9-10. Accordingly, the Patent Owner on May 20, 2020 filed motion to exclude pursuant to 37 C.F.R. § 42.64, 37 C.F.R. § 42.11 and 37 C.F.R. § 42.51(b)(iii).

In the motions to exclude filed on May 20, 2020, Patent Owner objected that Dr. Baker is not a person of ordinary skill in the art based on his own admission in his declarations that he has no experience even in the networks (which is what the petitions defined as a POSITA). For example See PGR219-00037 Exhibit 1002 ¶3 and Paper 1, at 6. He expressly stated that he is a person skilled in the field of "integrated circuits and memory devices," not a person skilled in the applicable field of networks according to your definition of POSITA in the petitions.

Patent Owner respectfully requests the Board to consider the motions to exclude filed by Patent Owner on May 20, 2020.

Very respectfully,
Venkat Konda
Pro Se Patent Owner

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On Tue, May 26, 2020 at 6:19 AM Modi, Naveen <naveenmodi@paulhastings.com<mailto:naveenmodi@paulhastings.com>> wrote:

As the Board is aware, Patent Owner filed a revised motion to amend in the above-mentioned proceedings. Petitioner understands that the Board will be entering a revised schedule in light of the revised motion. Petitioner would appreciate the Board providing an indication as to when such a schedule will be entered.

In addition, Petitioner requests leave to file a motion to expunge the motions to exclude and associated exhibits that Patent Owner filed in these proceedings on May 20, 2020. Specifically, Patent Owner filed motions to exclude in each proceeding, seeking to exclude the testimony of Petitioner's expert, Dr. Baker. See, e.g., Paper 27 in PGR2019-00037. Petitioner believes that the motions are improper as Patent Owner never objected to Dr. Baker's testimony within the timeframe allowed by the Board's rules. See 37 C.F.R. § 42.64.

Petitioner conferred with Patent Owner, who is pro se, and asked if he was willing to withdraw the motions. Patent Owner indicated he was unwilling to withdraw the motions. As such, Petitioner seeks leave to file a motion to expunge in each proceeding.

Should the Board wish to have a call regarding the issues mentioned above, Petitioner can seek Patent Owner's availability and provide that to the Board.

Respectfully,
Naveen Modi
Counsel for Petitioner

[Paul Hastings LLP]<<http://www.paulhastings.com/>>

Naveen Modi | Partner and Global Vice Chair of Intellectual Property, Litigation Department
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