

---

**From:** Burrowbridge, Adam <aburrowbridge@wsgr.com>  
**Sent:** Friday, May 8, 2020 7:33 PM  
**To:** Moffett, Dan; Carsten, Douglas; Liston, Ian  
**Cc:** WSGR - NanoCollect/Cytonome; NANOCELECT (AG TEAM); Smith, Rodger (External); Raucci, Anthony D.  
**Subject:** Re: Cytonome v. NanoCollect | Construction of "Buffer"

**\*\*EXTERNAL Email\*\***

Dan,

NanoCollect does not agree with Cytonome's proposed construction as it does not accurately reflect the relevant claims or specifications. As an alternative construction to the means-plus-function construction NanoCollect initially proposed, to which NanoCollect preserves all rights on appeal, and in accordance with Judge Andrews' order to meet and confer, NanoCollect proposes:

"buffer" means "a reservoir of compressible fluid, configured for absorbing the pressure pulse"

We are available to meet and confer Monday at 1pm ET, should Cytonome wish to discuss the proposed buffer constructions or the forthcoming submission to the Court.

Best,  
Adam

---

**From:** "Moffett, Dan" <dmoftett@AkinGump.com>  
**Date:** Wednesday, April 29, 2020 at 4:33 PM  
**To:** "Carsten, Douglas" <dcarsten@wsgr.com>, "Burrowbridge, Adam" <aburrowbridge@wsgr.com>, "Liston, Ian" <iliston@wsgr.com>  
**Cc:** WSGR - NanoCollect/Cytonome <nanocollect/cytonome@wsgr.com>, "NANOCELECT (AG TEAM)" <NANOCELECTAGTEAM@akingump.com>, "Smith, Rodger (External)" <rsmith@mnat.com>, "Raucci, Anthony D." <araucci@MNAT.com>  
**Subject:** Cytonome v. NanoCollect | Construction of "Buffer"

[External]

Doug, Adam, and Ian,

During yesterday's hearing, Judge Andrews ordered Cytonome to submit a revised construction for "buffer" after first conferring with NanoCollect. Based on our review of the transcript from the hearing and the relevant patent specifications, we propose the following:

"buffer" means "a reservoir of fluid that absorbs a pressure pulse."

Please let us know if NanoCollect agrees with this construction or, if not, identify your specific objections as soon as possible.

Thank you,

Dan

**Dan Moffett**

**AKIN GUMP STRAUSS HAUER & FELD LLP**

112 E. Pecan Street | Suite 1010 | San Antonio, TX 78205 | USA | Direct: [+1 210.281.7155](tel:+12102817155) | Internal: [47155](tel:+12102817155)  
Fax: +1 210.224.2035 | Mobile: [+1 210.995.2825](tel:+12109952825) | [dmoffett@akingump.com](mailto:dmoffett@akingump.com) | [akingump.com](http://akingump.com) | [Bio](#)

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

This email and any attachments thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.