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Subject: RE: Message for Counsel in IPR2023-00836, -00843, -00849 re: Confidential Material in Transcript and FWDs
Date: Thursday, October 24, 2024 2:55:00 PM

Counsel,

The transcript of the July 24, 2024 oral argument and the Final Written Decisions have been entered into the records of IPR2023-00836, -00843, -00849 as “Board and Parties Only.” The parties should confer and discuss whether the transcripts and Final Written Decisions contains confidential information. The Board believes that at least the secondary considerations portion of the Final Written Decisions contain Patent Owner’s confidential information.

If no confidential information is included in the oral argument transcript, then the parties **must let the Board know by responding to this email and the Board will remove the “Board and Parties Only” designation.**

If confidential information is included in the oral argument transcript or Final Written Decisions, the parties **must submit a joint redacted version of the oral argument transcript and the Final Written Decisions no later than November 15, 2024.** The Board is available for a conference call if needed.

As to the sealed documents in the record, the parties are reminded that ordinarily confidential information that is subject to a protective order will become public 45 days after a final judgment. If the parties wish to maintain the confidentiality of the information, they **may file a motion to expunge the information from the record prior to the information becoming public.** See 37 C.F.R. 42.56; Consolidated Trial Practice Guide 21-22.

Regards,

Tina

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