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**Subject:** IPR2025-00274, -278, -280, -281, -422 -423, -424, -425 // Deposition and Discovery Requests  
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Dear Board,

Patent Owner respectfully requests authorization to file a Motion for Additional Discovery related to real parties-in-interest issues in the above-captioned matters.

First, Patent Owner requests a deposition of the person at PacifiCorp most knowledgeable the Talen license agreement, and a corporate designee that can testify on the following topics:

1. PacifiCorp's knowledge of the Talen Agreement.
2. PacifiCorp's contentions regarding the extent to which PacifiCorp is entitled to enforce the Talen Agreement.
3. PacifiCorp's relationship with Talen, including the existence of (1) an agreement between the parties to be bound; (2) pre-existing substantive legal relationships between the parties; (3) adequate representation of PacifiCorp by Talen with respect to the Delaware Litigation; (4) the Talen's control of the prior litigation.
4. PacifiCorp's communications with Talen regarding ME2C, ME2C's patents, and/or the Talen Agreement.

Second, Patent Owner also requests a deposition of a corporate designee from BHE that can testify on the following topics:

1. BHE's corporate relationship with MidAmerican and PacifiCorp, including its exercise of control over those entities.
2. BHE's knowledge of MidAmerican's relationship with any Defendants in the Delaware litigation.
3. BHE's knowledge of the Talen Agreement.
4. BHE's and its subsidiaries' relationship with Chem-Mod and any Chem-Mod licensees, including the existence of (1) an agreement between the parties to be bound; (2) pre-existing substantive legal relationships between the parties; (3) adequate representation of BHE by Chem-Mod and/or its licensees with respect to the Delaware Litigation; (4) the Chem-Mod's and/or its licensee's control of the prior litigation.
5. BHE's relationship with Talen, including the existence of (1) an agreement between the parties to be bound; (2) pre-existing substantive legal relationships between the parties,

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(3) adequate representation of BHE by Talen with respect to the Delaware Litigation; (4) the Talen's control of the prior litigation.

6. Any indemnity requests or responses exchanged between BHE and/or its subsidiaries and any Defendants named in the Delaware Litigation.

Third, Patent Owner also requests that Petitioners produce documents that are relevant to real party-in-interest issues, including at least:

1. Documents related to BHE's corporate relationship with MidAmerican and PacifiCorp, including its exercise of control over those entities.
2. Documents and communications related to or describing the Petitioners' relationships with past or current Defendants in the Delaware litigation, including Talen.
3. Documents and communications related to or describing Petitioners' knowledge or the Talen Agreement and the negotiations leading up to the Talen Agreement.
4. Petitioners' communications with Talen (or its affiliates) regarding ME2C, ME2C's patents, and/or the Talen Agreement.

Given the issues before the Board in these matters, this requested discovery is "necessary in the interests of justice," 35 U.S.C. § 316(a)(5)(B), and meets the standard laid out in *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, No. IPR2012-00001, Paper 26 (PTAB Mar. 5, 2013) (precedential).

Patent Owner has conferred via email with counsel for Petitioners, who provided the following statement:

Petitioners state that they have already produced agreements with defendants in the Delaware litigation, to the extent there are any, and Patent Owner has cited such agreements in its POPR briefing. Patent Owner has not explained the relevance (if any) of each discovery request, how the request is appropriately tailored, or how the request meets the *Garmin* factors, and thus Petitioners oppose the above-requested discovery.

If the Board wishes to schedule a conference call to discuss the above, the Parties will provide their collective availability for a call upon request.

Sincerely,  
Hamad Hamad  
Counsel for Patent Owner

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