

EXHIBIT A

Flachsbart & Greenspoon, LLC

• 333 N. Michigan Ave., 27th Floor • Chicago, IL 60601-3901 •
• Tel 312-551-9500 • Fax 312-551-9501 • www.fg-law.com •

April 19, 2021

Via U.S. Mail and e-mail

USPTO FOIA Officer
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

RE: Freedom of Information Request

Dear Sir or Madam,

I represent US Inventor, Inc. US Inventor is a national non-profit organization, with a mission of educating lawmakers, agencies, and courts on matters affecting inventors, and to participate in shaping and reforming those policies. US Inventor is committed to protecting the rights of citizen inventors and proponents of the patent system in order to “promote the progress of Science and the Useful arts[.]” as described in Article I of the Constitution. U.S. Const., art. I, § 8, cl. 8. As a part of this mission, US Inventor works to inform its membership and the public about the official activities, rulemaking, and procedures of the USPTO, as well as public perception of the USPTO. US Inventor works to provide information about the activities of government officials at the USPTO, and to ensure the integrity of the USPTO. To advance its mission, US Inventor uses a combination of research, litigation, and advocacy. As part of its research, US Inventor uses government records made available to it under the FOIA.

I. Introduction and Definitions.

In that vein, this communication constitutes a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, submitted by US Inventor, Inc. (“US Inventor”) for records relating to makeup of the panel in the Mohawk IPR Proceedings, the application of sovereign immunity in the Mohawk IPR Proceedings, and any *ex parte* communications regarding the Mohawk IPR Proceedings.

Our requests seek “records”, by which we mean all records or communications preserved in written or electronic form, including but not limited to: correspondence, documents, data, videotapes, audio tapes, emails, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, training materials, other manuals, or studies.

By “USPTO” we mean the United States Patent and Trademark Office and its agents and employees as well as any other federal, state, or local agencies working in collaboration with the United States Patent and Trademark Office.

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By “Mohawk IPR Proceedings” we mean the proceedings in the following IPR’s: IPR2016-01127, IPR2016-01128 , IPR2016-01129, IPR2016-01130, IPR2016-01131, IPR2016-01132, IPR20 17-00576, IPR2017-00594, IPR2017-00578, IPR2017- 00596, IPR2017-00579, IPR2017-00598, IPR20 17-00583, IPR2017- 00599, IPR2017-00585, IPR2017-00600, IPR2017-00586, and IPR2017-00601.

II. Request for Information.

We seek disclosure of agency records in your possession that fall within the following categories:

1. Any records which were communicated outside of the USPTO regarding the makeup of the panel in the Mohawk IPR Proceedings;
2. Records of or related to the date or dates on which each Administrative Patent Judge was added to the panel in the Mohawk IPR Proceedings;
3. Records of or related to any *ex parte* input into the makeup of the panel;
4. Records of or related to regarding any *ex parte* communications concerning the Mohawk IPR Proceedings, the Allergan/Tribe transactions, or sovereign immunity with any past or present member of the panel, both before and after they were added to the merits panel;
5. Records of or related to communications members of the Mohawk IPR Proceedings panels have had with Congress or the Executive Branch (outside the USPTO) concerning the proceedings or sovereign immunity;
6. Records of or related to *ex parte* communications the Mohawk IPR Proceedings panel members have had with anyone concerning sovereign immunity or proceedings prior to their addition to the panel;
7. Records of or related to the assignment of Tina H. Hulse, Christopher Paulraj, Sheridan Snedden, David Ruschke , Scott Boalick, Jacqueline Bonilla, and Scott Weidenfeller to the Mohawk IPR Proceedings, including specifically any communications outside the USPTO with anyone regarding those assignments; and
8. Records of or related to any policy determinations made by the USPTO or PTAB concerning sovereign immunity.

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III. The Requestors.

US Inventor is a national non-profit organization that works to promote and defend the rights of citizen inventors. It educates and informs through its website, media appearances, news releases, and educational videos and programming.

The records requested are not sought for commercial use. US Inventor's plans to use the channels described above to disseminate summaries of the information disclosed as a result of this FOIA request.

IV. Request for Waiver of Processing Fees.

We request a fee waiver for duplication costs pursuant to 5 U.S.C. § 552(a)(4)(ii)(II)-(iii). Disclosure of the requested information is in the public interest. It will further public understanding of government conduct that is of interest to the public. In particular, the USPTO's policies, practices, and methods of obtaining outside agency input during the determination of outcomes for pending IPR's.

US Inventor is a nonprofit 501(c)(4) organization. It is well situated to disseminate information gained through this request to the public, and to affected members of the citizenry.

If this request for information is denied in whole or in part, we ask that you justify all deletions by reference to specific provisions of the Freedom of Information Act. We specifically request that you release all segregable portions of otherwise exempt material. We reserve the right to appeal a decision to withhold any information.

Thank you for your prompt attention to this matter. Please furnish all applicable records to William W. Flachsbart, Flachsbart & Greenspoon, LLC, 333 N. Michigan Ave, Suite 2700, Chicago, IL 60601. I affirm that the information provided supporting the request is true and correct to the best of my knowledge and belief.

Very truly yours,



William W. Flachsbart