

# EXHIBIT B



## UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE GENERAL COUNSEL

May 14, 2021

### VIA E-MAIL

Mr. William Flachsbart  
Flachsbart & Greenspoon, LLC  
333 N. Michigan Ave, 27th Floor  
Chicago, IL 60601  
[www.fg-law.com](http://www.fg-law.com)

**Re: *Freedom of Information Act (FOIA) Request No. F-21-00100***

Dear Mr. Flachsbart:

The United States Patent and Trademark Office (USPTO) FOIA Office received your e-mail dated requesting, under the Freedom of Information Act (5 U.S.C. § 552) a copy of:

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.

Preliminary estimates indicate that the approximate processing cost for this FOIA request is **\$2423.40**. This estimate includes estimated search and review time hours.

This estimate does not necessarily represent the final cost. Estimates are inherently imprecise, and the final cost could be higher or lower than the amount provided here. However, the estimate provided herein is reasonably calculated to represent search costs required to adequately respond to your request.

As a commercial use FOIA requester, you are responsible for the costs involved in search and review. See 37 C.F.R. § 102.11(c)(1)(i).

Please note that a search fee is chargeable even when no responsive records are found, or when the records requested are determined to be totally exempt from disclosure. See 37 C.F.R. § 102.11(c)(3)(i).

Requestors must pay the entire anticipated fee before the Agency begins processing a request when the fee estimate exceeds \$250.00. See 37 C.F.R. § 102.11(i)(2).

Please remit, within 30 calendar days of the date of this letter, a check made payable to the “**Department of Treasury**” in the amount of **\$2423.40**. The payment must be sent to:

United States Patent and Trademark Office  
Freedom of Information Act Officer  
Office of the General Counsel  
P.O. Box 1450  
Alexandria, VA 22313-1450

If payment in the full amount of the initial estimate is not received by **June 14, 2021**, this request will be considered withdrawn and closed. Please contact us before that date, however, if you would like to discuss your request in order to reformulate it to meet your needs at a reduced cost.

Sincerely,



Karon E. Seldon  
USPTO FOIA Specialist  
Office of General Law