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To: [Fulghum, Roger](#); [Trials](#)
Cc: [Greenthread-OnSemi-MS](#); [Alan Whitehurst](#); [Arvind Jairam](#); [Neil Ozarkar](#); [Stuart McCommas](#); [Nicholas T. Matich](#); [Barazesh, Ellyar](#); [Speegle, Mark](#); [Daniel Anderson](#)
Subject: RE: Request for Authorization to File a Motion n IPR2023-01242, IPR2023-01243, IPR2023-01244 - Semiconductor Components Industries, LLC v. Greenthread, LLC
Date: Tuesday, August 13, 2024 10:51:49 AM

Counsel,

The parties should meet and confer as to the possibility of a substitute witness and all attendant details before bringing this matter to the Board. If the parties are unable to reach a consensus, a conference with the Board may be scheduled. If/when seeking a conference with the Board, the parties should provide multiple dates and times when they are mutually available.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Fulghum, Roger <Roger.Fulghum@BakerBotts.com>
Sent: Friday, August 9, 2024 4:54 PM
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Dear Honorable Board,

Petitioner onsemi respectfully requests authorization from the Board to file a motion to strike the declaration of Mr. Philip John (EX2072) in the above-referenced IPR proceedings. Petitioner's counsel deposed Mr. John on August 2, 2024. During the course of this deposition, Mr. John revealed that numerous assertions in his declaration were not based on his personal knowledge. Mr. John's deposition testimony also contradicted much of his declaration testimony. As such, Petitioner respectfully submits that Mr. John's declaration (EX2072) should be struck from the above-referenced IPR proceedings.

Patent Owner's position:

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Greenthread opposes Petitioner's motion. Mr. John's declaration concerns Greenthread's business records, such as licenses and money it received, not matters that can be reasonably disputed. He is Greenthread's President and testified that he did have personal knowledge of the information in his declaration at the time he signed it in May. Tr. 56:20-25 ("Q. Do you recall signing the declaration in May? A. Yes. ... Q. And you verified it at the time that you signed it? A. Yes.").

However, Mr. John is [REDACTED]. Tr. 54:22-24. After Mr. John signed his declaration, but several weeks before the deposition, Mr. John's [REDACTED]. Tr. 55:4-11. Mr. John said [REDACTED] Tr. 55:15-16. Additionally, [REDACTED] Tr. 55:18-25.

As a result, Mr. John testified that he had [REDACTED] Tr. 57:5-9 ("[REDACTED]"); *see also* 59:7-9 ("[REDACTED]"). The transcript bears this out. For example, Mr. John's answers could suggest [REDACTED] Tr. 28:2-3 [REDACTED]). However, that litigation ended only last year. Mr. John was actively involved as Greenthread's president, and Intel deposed him. It is not plausible that Mr. John [REDACTED] Tr. 59:16.

Greenthread sought to have the deposition video recorded, so that the Board [REDACTED], but Petitioner refused to consent to the recording. Tr. 56:1-10 ("Q. Do you recall we wanted to videotape this deposition? ... A. Yes. Q. And do you recall why we didn't videotape it? ... A. Because Mark [Petitioner's Counsel] didn't want to do it.").

A motion to strike is inappropriate, because there is no dispute that Mr. John actually had personal knowledge at the time of his declaration. Further, Greenthread has offered to provide a different witness, who can testify to the facts in Mr. John's declaration, which would moot Petitioner's proposed motion. Petitioner has not responded to that offer yet.

The parties are available for a telephone conference with the Board.

Thanks, Roger Fulghum

Lead Counsel for Petitioner

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