

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GREENTHREAD, LLC

Plaintiff,

vs.

**ON SEMICONDUCTOR CORPORATION;
SEMICONDUCTOR COMPONENTS
INDUSTRIES, LLC D/B/A ON
SEMICONDUCTOR LLC**

Defendants.

Civil Action No. 23-443-RGA

GREENTHREAD, LLC,

Plaintiff,

vs.

MONOLITHIC POWER SYSTEMS, INC.,

Defendant.

Civil Action No. 23-579-RGA

**PLAINTIFF’S FIRST SET OF COMMON REQUESTS FOR THE PRODUCTION OF
DOCUMENTS TO DEFENDANTS ON SEMICONDUCTOR CORPORATION AND
MONOLITHIC POWER SERVICES, INC., ET AL.**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules of this Court, Plaintiff Greenthread, LLC (“Greenthread” or “Plaintiff”) propounds to Defendants ON Semiconductor Corporation, Semiconductor Components Industries, LLC d/b/a ON Semiconductor LLC (“ON Semiconductor”), and Monolithic Power Systems, Inc. (“Monolithic”) (collectively, “Defendants”), these First Set of Common Requests for the Production of Documents. The Defendants are to respond to the Requests fully and in accordance with the definitions and instructions set forth below within thirty (30) days of

service.

DEFINITIONS

1. “Accused Product Variant” means any subcategory of a product, including different models, generations, designs, or design versions of an Accused Product. Products manufactured according to different processes, Recipes, at different facilities, by different Third-Party Foundries, or using different equipment separate Product Variants. By way of non-limiting example, Design A and Design B are different Product Variants. Design A manufactured by Party 1 and Party 2 are two further Product Variants.

2. “Accused Products” means any and all products, activities, services, processes, systems, apparatuses, or things that You have sold within six years prior to the filing of this action that contain a transistor.

3. “Agreement” shall mean, without limitation, a contract, arrangement, or understanding, formal or informal, oral or written, between two or more Persons. This includes assignments, express licenses, alleged licenses, covenants not to sue or non-assertion agreements, standstill agreements, releases, security interests, and/or settlements.

4. “Asserted Claim” means any claim asserted in the Complaint, Infringement Contentions, or any updates thereto.

5. “Communication” or “Communicated” means, without limitation, any exchange of thoughts, messages, or information, as by speech, signals, writing, or behavior, including but not limited to, any advice, advisement, announcement, articulation, assertion, contact, conversation, written or electronic correspondence, declaration, discussion, dissemination, elucidation, expression, interchange, memoranda, notes, publication, reception, revelation, talk, transfer, transmission, or utterance. The phrase “communication between” is defined to include

instances where one party addresses the other party but the other party does not necessarily respond.

6. “Document” is defined broadly to be given the full scope of that term as contemplated in Rules 26 and 34 of the Federal Rules of Civil Procedure and includes any tangible thing or object, any written or graphic matter, and any medium of any type or description upon which intelligence or information is recorded or from which intelligence or information can be perceived, that is or has been in Your actual or constructive possession, custody, or control, or of which You have knowledge, regardless of the medium on which it is produced, reproduced, or stored (including without limitation computer programs and files containing any requested information), and any recording or writing, as these terms are defined in Rule 1001 of the Federal Rules of Evidence. This definition encompasses all tangible things including prototypes, models, and physical specimens, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a Document, all drafts of final Documents, all written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in Your actual or constructive possession or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs and files containing any requested information together with instructions or programs necessary to search such data and hard copies where available), any recording or writing, and/or any other documentary material of any nature.

7. “Greenthread” means Plaintiff Greenthread, LLC, an entity organized and existing under the laws of Texas, and any persons operating under its control or on its behalf including officers, directors, employees, representatives, consultants, agents, servants, attorneys,

accountants, or any Person who served in any such roles at any time, as well as corporate subsidiaries, affiliates, divisions, predecessor companies or proprietorships, or any joint venture to which Greenthread, or one of its corporate parents, subsidiaries, affiliates, divisions, predecessor companies or proprietorships, is a party.

8. “Infringe” and “infringement” means direct infringement, contributory infringement, induced infringement, literal infringement, and/or infringement under the doctrine of equivalents, unless identified with further specificity.

9. “Intellectual Property” includes any patent, copyright, trademark, mask work, trade secret, design protection, or other proprietary rights in knowledge or information.

10. “Licensee” or “License” includes each and every sublicense or sublicensee to the Patents-in-Suit.

11. “Monolithic” means Monolithic Power Systems, Inc. and any persons operating under its control or on its behalf including officers, directors, employees, representatives, consultants, agents, servants, attorneys, accountants, or any Person who served in any such roles at any time, as well as corporate subsidiaries, affiliates, divisions, predecessor companies or proprietorships, or any joint venture to which Monolithic, or one of its corporate parents, subsidiaries, affiliates, divisions, predecessor companies or proprietorships, is a party.

12. “Non-Infringing Alternative” means any Technology which does not practice the Patents-in-Suit or any patent in the same family that You contend could or would be implemented instead of the allegedly infringing Technology.

13. “ON Semiconductor” means ON Semiconductor Corporation, Semiconductor Components Industries, LLC d/b/a ON Semiconductor LLC, and any persons operating under its control or on its behalf including officers, directors, employees, representatives, consultants,

agents, servants, attorneys, accountants, or any Person who served in any such roles at any time, as well as corporate subsidiaries, affiliates, divisions, predecessor companies or proprietorships, or any joint venture to which ON Semiconductor, or one of its corporate parents, subsidiaries, affiliates, divisions, predecessor companies or proprietorships, is a party.

14. “Patents-in-Suit” means, individually and collectively, U.S. Patent Nos. 8,421,195 (“the ’195 Patent”), 9,190,502 (“the ’502 Patent”), 10,510,842 (“the ’842 Patent”), 10,734,481 (“the ’481 Patent”), 11,121,222 (“the ’222 Patent”), and 11,316,014 (“the ’014 Patent”), along with any other patents asserted by Greenthread in the above-captioned case.

15. “Person” shall include, without limitation, natural persons, corporations, partnerships, business trusts, associates, and business or other entities, and any officer, director, employee, partner, corporate parent, subsidiary, affiliate, agent, representative, attorney, or principal thereof.

16. “Purported 102(a)/(g) Invention” means any invention, product, or discovery that you contend constitutes Prior Art under 35 U.S.C. § 102(a) or 35 U.S.C. § 102(g).

17. “Prior Art” includes, by way of example and without limitation, subject matter as described in 35 U.S.C. § 102 and/or 35 U.S.C. § 103 (both prior to and following amendment by the America Invents Act, P.L. 112-29) with respect to any claim of the Patents-in-Suit, including but not limited to patents, printed publications, prototypes, know-hows, uses, sales, and offers for sale; and information, knowledge, Documents, and things concerning the subject matter of the Patents-in-Suit that were made or existed in the United States or abroad before the filing date of each claim of the Patents-in-Suit or the priority date for the same. Until the applicable priority date for each Asserted Claim is determined, the relevant dates for Prior Art shall be before the earliest alleged “Priority Dates” for each Patent-in-Suit, as identified in Greenthread’s

Infringement Contentions.

18. “Recipe” means all equipment, processes, process steps, workflows, parameters, settings, conditions, adjustments, or other circumstances controlled or adjusted in the manufacturing of a semiconductor product to achieve the desired outcome or that influence whether a desired outcome is achieved.

19. “Relate to,” “Relating to,” “Related to,” and “Concerning,” when referring to any given subject matter, means concerning, regarding, describing, comprising, referring to, related to, supporting, favoring, opposing, bolstering, detracting from, located in, considered in connection with, bearing on, evidencing, indicating, reporting on, recording, alluding to, responding to, connected with, commenting on, in respect of, about, in relation to, discussing, showing, describing, reflecting, analyzing, constituting, or being.

20. “Related Patents” means any foreign or domestic parent patent application or any direct or indirect continuation, continuation-in-part, divisional, reexamination, or reissue patent application of any Patent-in-Suit and/or any patent which issues or has issued on a patent application related to any Patent-in-Suit, including without limitation any patent or patent application individually or collectively that (i) claims any priority to any Patent-in-Suit, (ii) is identified as providing priority for any Patent-in-Suit, or (iii) claims any priority to any application to which any Patent-in-Suit claims priority.

21. “The ’014 Patent” means U.S. Patent No. 11,316,014, issued on April 26, 2022, and entitled “Semiconductor Devices with Graded Dopant Regions.”

22. “The ’195 Patent” means U.S. Patent No. 8,421,195, issued on April 16, 2013, and entitled “Semiconductor Devices with Graded Dopant Regions.”

23. “The ’222 Patent” means U.S. Patent No. 11,121,222, issued on September 14,

2021, entitled “Semiconductor Devices with Graded Dopant Regions.”

24. “The ’481 Patent” means U.S. Patent No. 10,734,481, issued on August 4, 2020, and entitled “Semiconductor Devices with Graded Dopant Regions.”

25. “The ’502 Patent” means U.S. Patent No. 9,190,502, issued on November 17, 2015, and entitled “Semiconductor Devices with Graded Dopant Regions.”

26. “The ’842 Patent” means U.S. Patent No. 10,510,842, issued on December 17, 2019, and entitled “Semiconductor Devices with Graded Dopant Regions.”

27. “Third-Party Foundry” means any third-party organization responsible for any aspect of the design or manufacture of Accused Products.

28. “You,” “Your,” and “Yours” refers collectively to each Defendant.

INSTRUCTIONS

1. The preceding definitions apply to these instructions and each of the succeeding Requests.

2. You are to provide full and complete responses to the following Requests, after conducting a diligent and thorough investigation into all Information within Your possession, custody, or control. If You cannot provide a full and complete response to any Request, You must respond to the Request to the extent possible, specifying the portion of the Request You are unable to answer and providing whatever information You have regarding the unanswered portion. If Your answer is qualified in any way, set forth the details of such qualification.

3. If You object to any part of a Request and refuse to answer that part, You shall state Your objection and answer all remaining portions of the Request. If You object to the scope or time period of a Request and refuse to answer for that scope or time period, You shall state Your objection and the scope or time period You believe is appropriate.

4. These Requests for Production are of a continuing nature, and You are required to file and serve supplemental responses and to produce additional Documents promptly if You obtain further or different Information or additional Documents after the date of Your initial response and before this Action is completed. See Fed. R. Civ. P. 26(e).

5. If You find the meaning of any term in these interrogatories unclear, You shall assume a reasonable meaning, state what the assumed meaning is, and respond to the Request according to the assumed meaning.

6. To “identify” or provide the “identity” or “identification” of a Person who is a natural person means to state for that person: the person’s full name, present or last known address(es), present or last known telephone number(s), present or last known employer and that employer’s address, present or last known job title, and whether the person is represented by counsel in connection with this Action. To “identify” or provide the “identity” or “identification” of a Person that is an entity means to state for that entity: the entity’s full name, present or last known address for its principal place of business, present or last known telephone number, type (*e.g.*, corporation, partnership, trust), date and place of formation, registered agent, all known names under which the entity has operated in the past, and all known addresses at which the entity has conducted business in the past.

7. To “identify” any Document or to provide the “identity” or “identification” of any Document means:

8. To provide a brief description of such Document sufficient to support a request for production;

a. To state its type (*e.g.*, e-mail, letter, memorandum, computer system, software);

- b. To state its date;
- c. To identify each author and recipient (including actual and designated recipients of copies);
- d. To specify the place where the Document may be inspected and its custodian; and
- e. If a copy of the Document has been previously supplied, to so state and specifically identify the previously supplied copy by reference to Bates number(s) or other identifying information such as litigation control number.

9. To “identify” an event means to state:

- a. Its type (*e.g.*, oral communication, telephone call, meeting or conference, teletype communication, purchase, sale);
- b. Its date, time, and place;
- c. The identity of all persons participating, attending, and observing;
- d. A detailed description of the event and what transpired; and
- e. The identity of any Documents referenced, referred to, relied upon, or created in connection with the event, including any record made of the event.

10. If a Document is in a language other than English and an English translation exists, identify both Documents.

11. Any response made by reference to Documents shall identify by production number each responsive Document.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Documents reflecting the design, structure, operation, and/or performance of the Accused Products from which infringement and/or non-infringement of the Asserted Patents can most readily be determined.

REQUEST NO. 2:

Documents reflecting internal and external testing/procedure, certification testing/procedure, operating principles related to the transistors in the Accused Products.

REQUEST NO. 3:

All documents concerning any consideration, negotiation, recommendation, or proposal to license, buy, acquire or otherwise obtain rights under patents for transistors.

REQUEST NO. 4:

All documents concerning any licenses and/or royalties or licensing fees paid by You relating to transistors in the Accused Products.

REQUEST NO. 5:

Your annual reports from 2011 forward.

REQUEST NO. 6:

Financial statements (audited and unaudited), financial projections or forecasts, and profit and loss statements prepared by You or on behalf of You from 2011 forward.

REQUEST NO. 7:

Documents reflecting Your accounting procedures or guidelines.

REQUEST NO. 8:

Documents sufficient to show Your policies, practices, and procedures for evaluating third-party patents for purposes of determining whether any products manufactured, developed,

used, sold, or offered for sale by You, or imported into the United States by You, may infringe such patents, including, but not limited to, the avoidance or non-avoidance of patent and/or intellectual property rights of others, including the infringement and/or misappropriation of those rights.

REQUEST NO. 9:

All documents relating to any effort by Your, or on Your behalf, to design around the inventions claimed in the Asserted Patents.

REQUEST NO. 10:

Documents relating to any technology you contend is a Non-Infringing Alternative.

REQUEST NO. 11:

All patents claiming any portion of the Non-Infringing Alternative.

REQUEST NO. 12:

Documents reflecting any Intellectual Property of any party in a Non-Infringing Alternative.

REQUEST NO. 13:

All documents that refer to, relate to or evidence any steps, procedures or efforts made by You to avoid infringement of any patent, including, without limitation, documents and things that relate to any effort to design, redesign or modify any Accused Product.

REQUEST NO. 14:

Documents describing any Non-Infringing Alternative, including any cost (actual or estimated), benefit (actual or expected), implementation or attempted implementation of a Non-Infringing Alternative.

REQUEST NO. 15:

Documents relating to Your ability to and/or any attempt to implement a Non-Infringing Alternative.

REQUEST NO. 16:

Documents relating to the date on which a Non-Infringing Alternative became available to you.

REQUEST NO. 17:

Documents reflecting, teaching, or describing each abstract idea, law of nature, or other non-patentable subject matter to which You contend any claim is directed.

REQUEST NO. 18:

Documents supporting any contention by you that any element of any claim in the Patents-in-Suit was well-understood, routine, or conventional as of the priority date for that claim.

REQUEST NO. 19:

All documents You contend are prior art or related to prior art that, by itself, or in connection with other prior art, renders any claim of the Patents-in-Suit invalid under 35 U.S.C. 102 or 103.

REQUEST NO. 20:

To the extent that you contend that any invention, product, or discovery constitutes Prior Art under 35 U.S.C. § 102(a) or 35 U.S.C. § 102(g) (“Purported 102(a)/(g) Invention”) all documents relating to the Purported 102(a)/(g) Invention and whether it was publicly known or abandoned, suppressed, or concealed, including (a) any publications, presentations, patents applications, sales documents or contracts, or other disclosures which you contend provide public knowledge of the Purported 102(a)/(g) Invention, (b) any employment agreements or non-

disclosure agreements with inventors, employees, contractors, customers, or other persons with knowledge of the Purported 102(a)/(g) Invention, (e) documents reflecting practices, policies, contracts, designs, or any other action you have taken after the alleged conception of the Purported 102(g) Invention to prevent or hinder reverse engineering of your products and/or the public disclosure of your designs.

REQUEST NO. 21:

Documents pertaining to any product that You contend is licensed to any claim of the Patents-in-Suit and practices such a claim.

REQUEST NO. 22:

Documents pertaining to any product You contend is prior art that, by itself, or in connection with other prior art, renders any claim of the Patents-in-Suit invalid under 35 U.S.C. 102 or 103.

REQUEST NO. 23:

Documents relating to any contention by You that a claim of the Patents-in-Suit is unenforceable.

REQUEST NO. 24:

Documents relating to the dopant concentrations in Accused Products, including all scanning electron microscopy (SEM), scanning capacitance microscopy (SCM), scanning microwave impedance microscopy (sMIM), secondary ion mass spectrometry (SIMS), spreading resistance profiling (SRP) testing, Energy Dispersive Spectroscopy (EDS), or other tests relevant to the dopant concentrations of Your products.

REQUEST NO. 25:

Documents relating to the movement of carriers in the Accused Products.

REQUEST NO. 26:

Documents sufficient to identify any foundry or Third-Party Foundry where each Accused Product Variant is made.

REQUEST NO. 27:

Communications or agreements with any Third-Party Foundry relating to the Accused Products.

REQUEST NO. 28:

Schematics, plans, memoranda or other documents relating to the design of the Accused Products.

REQUEST NO. 29:

Documents relating to the Recipe for Accused Products.

REQUEST NO. 30:

Documents sufficient to identify each Accused Product sold in the six years prior to the filing of this action.

REQUEST NO. 31:

Documents sufficient to identify each sale of an Accused Product Variant.

REQUEST NO. 32:

Documents relating to the Recipe for each Accused Product Variant.

REQUEST NO. 33:

Employment contracts and documents relating to performance reviews or discipline of any employee who is a document custodian or witness in this action.

REQUEST NO. 34:

Documents sufficient to show any stock or options to purchase stock in You or affiliated companies held by any person who is a document custodian or witness in this action.

REQUEST NO. 35:

Documents sufficient to show bonuses or other discretionary compensation to any person who is a document custodian or witness in this action in the past five years and any criteria for awarding such bonuses or other discretionary compensation in the future.

REQUEST NO. 36:

Documents pertaining to Your policies for avoiding patent infringement or obtaining freedom to operate.

REQUEST NO. 37:

Documents pertaining to the Patents-in-Suit.

REQUEST NO. 38:

Documents sufficient to identify each Accused Product sold in the six years prior to the filing of this action.

REQUEST NO. 39:

Documents sufficient to identify the release date of each Accused Product Variant.

REQUEST NO. 40:

Documents sufficient to identify each sale of an Accused Product, including the purchaser, sale price, date of sale, all goods included in the transaction, and the Accused Product Variant sold. For each sale transaction, you should identify any party expected to incorporate the Accused Product into more finished products. For example, if your immediate customer is a contract manufacturer providing services for a seller of finished goods, you should identify both the contract manufacturer and the seller of finished goods. You should identify all sales worldwide whether you contend that sale occurred within or outside the United States.

REQUEST NO. 41:

Documents sufficient to identify all finished goods incorporating Accused Products.

REQUEST NO. 42:

Your agreements with or marketing materials directed at sellers of finished goods incorporating Accused Products.

REQUEST NO. 43:

Documents reflecting prices for Accused Products including internal reference prices, prices for specific customers, or suggested prices.

REQUEST NO. 44:

Marketing or advertising documents for the Accused Products.

REQUEST NO. 45:

Documents reflecting the benefits or features of the Accused Products.

REQUEST NO. 46:

Documents relating to customer preferences for the Accused Products.

REQUEST NO. 47:

All documents and things that may be used as exhibits at any hearing in this case, including, but not limited to, a *Markman* hearing, a hearing on a dispositive motion, or trial.

REQUEST NO. 48:

For documents and electronically stored information sought by any request that are not in the English language, all English language translations of such documents and electronically stored information, whether made by a human or a machine, to the extent such translations exist.

Dated: September 27, 2023

/s/ Brian E. Farnan

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 27, 2023, a true and correct copy of the foregoing was served electronically via email to the following:

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