

PUBLIC VERSION

From: Weidenfeller, Scott <SWeidenfeller@cov.com>
Sent: Tuesday, October 31, 2023 7:42 PM
To: Nicholas T. Matich; Park, Han; Sharma, Anupam; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com
Cc: Greenthread-Omnivision-MS; Greenthread-Cirrus-MS; Greenthread-ams-OSRAM-MS; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh
Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

Nick,

Please see our position:

Petitioner's position: Petitioner opposes Patent Owner's request. The request is nothing more than a fishing expedition that would waste both party and administrative resources. On its face, the request violates at least two *Garmin* factors.

First, Patent Owner has not met its burden to show by "more than a possibility and mere allegation that something useful will be discovered" under factor one. Other than the OmniVision OV9282, which is an accused product for the OmniVision litigation (and is thus, by Patent Owner's own contentions, outside the scope of the licenses Patent Owner has with the time-barred parties), Patent Owner is not pointing to specific products at issue in the prior cases that would lead to a privity issue. Instead, they are seeking broad and generic discovery without a reasonable basis to believe they will find evidence of privity.

Second, Patent Owner's request number four, which asks Petitioners to identify whether "it is making or selling products under Patent Owner's licenses . . . , including whether it intends to assert the defense of license with regards to any products in this [sic] the concurrent district court litigation," seeks Petitioners' "litigation positions or the underlying basis for those positions" in violation of *Garmin* factor two.

From: Nicholas T. Matich <nmatich@McKoolSmith.com>
Sent: Tuesday, October 31, 2023 10:47 AM
To: Weidenfeller, Scott <SWeidenfeller@cov.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com
Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh <RPaul@cov.com>
Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

[EXTERNAL]

Scott,

Petitioner's delays in responding to our question delay the date on which we will obtain relevant discovery which is important for our POPR. The evidence suggesting that Petitioners operate under Greenthread's licenses was attached to my first email below. Additional evidence is attached. Since we have pointed you to the relevant facts, it is Petitioner's burden to show that the petitions are not time barred. You have not done that. The fact that we did not affirmatively allege facts in another proceeding where we had no reason or burden to do so is irrelevant to whether the facts are true

PUBLIC VERSION

and Petitioners can carry their burden here. Further, even though it is irrelevant to the time-bar issue here, to allay your concerns we have supplemented our interrogatory response consistent with the evidence we have provided you.

Since Petitioners refuse to withdraw their time-barred IPRs, I propose to send the below email to the Board. Please provide, by 5pm Eastern today (October 31), Petitioner's position for us to insert into the email.

Subj: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, -00016, -00017, -00018, 00019, 00020, 0021
IPR2024-00001, -00016, -00017, -00018, 00019, 00020, 0021

Your Honors,

Patent Owner Greenthread LLC requests a conference call with the Board so that it may request authorization to file a motion for additional discovery in the above-referenced proceedings. The proposed additional discovery pertains to whether the Petitions are time barred under 35 U.S.C. § 315(b). Patent Owner's request is similar to the discovery Patent Owner seeks in *Semiconductor Components Industries LLC (d.b.a. OnSemi) v. Greenthread*, IPR2023-01242, IPR2023-01243, IPR2023-01244, where the Board already granted leave for Patent Owner to file motions for additional discovery.

Intel and [REDACTED] (by virtue of [REDACTED]'s RPI relationship with [REDACTED]) are time-barred from filing a petition on the patents at issue. [REDACTED] is time-barred with respect to U.S. Patents 8,421,195 at issue in IPR2024-00017 and 9,190,502 at issue in IPR2024-00018. Intel, [REDACTED] are also Patent Owner's licensees. Publicly available information indicates that at least one of Cirrus Logic, Inc., OmniVision Technologies, Inc., and ams Sensors USA, Inc. (the Petitions refer to these entities collectively as "Petitioner") (and/or GlobalFoundries U.S., which is listed as an RPI in the Petitions) is a manufacturer/supplier to each for Intel, [REDACTED]. For example, RPI GlobalFoundries recently said publicly to investors that it manufactures products for Intel, [REDACTED]. Petitioner OmniVision supplies to Intel the OV9282 image sensor, which is accused in the currently pending litigation against OmniVision. Petitioner Cirrus Logic has publicly disclosed that [REDACTED] are its customers. If, as it appears, Petitioners (and RPI GlobalFoundries) are acting on behalf of Patent Owner's licensees under the "have made" clause of the licenses, then Petitioners (and RPI GlobalFoundries) are in privity with the time-barred licensees. Thus, the instant Petitions would be time-barred.

Patent Owner seeks discovery of:

1. The identity of products Petitioner (and RPI GlobalFoundries U.S.) sold to or made for Intel, [REDACTED].
2. Agreements between Petitioner (and RPI GlobalFoundries U.S.) and Intel, [REDACTED], and/or [REDACTED] relating to the products Petitioner sells to Intel, [REDACTED], and/or [REDACTED], including sales contracts and design agreements.
3. Communications between Petitioner (or its affiliates) and Intel, [REDACTED] relating to the design of products Petitioner makes for them.
4. Whether each Petitioner entity believes that it is making or selling products under Patent Owner's licenses to Intel, [REDACTED], including whether it intends to assert the defense of license with regards to any products in this the concurrent district court litigation (or future litigation as to GlobalFoundries).

Patent Owner met and conferred with Petitioner prior to sending the present email.

Petitioner's position: **[INSERT]**

If the Board would find it helpful, the parties are available for a conference call during the following dates:
Thursday and Friday, Nov. 2-3

If the above dates do not work, then the parties are happy to provide alternative dates for the conference.

PUBLIC VERSION

McKool Smith | Nicholas T. Matich

Principal | Washington, DC | Tel: (202) 370-8301 | Mobile: (703) 863-7922

NOTICE OF CONFIDENTIALITY: The information contained in and transmitted with this e-mail is SUBJECT TO THE ATTORNEY-CLIENT and ATTORNEY WORK PRODUCT PRIVILEGE and is CONFIDENTIAL. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, use or reliance upon the information contained in and transmitted with this e-mail by or to anyone other than the addressee designated above by the sender is unauthorized and strictly prohibited. If you have received this e-mail in error, please notify the sender by reply immediately. Any e-mail erroneously transmitted to you should be immediately destroyed.

From: Weidenfeller, Scott <SWeidenfeller@cov.com>

Sent: Monday, October 30, 2023 5:27 PM

To: Nicholas T. Matich <nmatich@McKoolSmith.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com

Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh <RPaul@cov.com>

Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

Nick,

Please explain what “these delays” are and how Patent Owner can be prejudiced with respect to the preparation of “its POPR” for seven IPRs by any alleged “delay[]” in responding to a request for further explanation of a sentence in an email communication about three of those IPRs.

You asked us to withdraw our petitions, and we have not done so and, as we have made clear, do not intend to do so.

You also asked us to produce information that is both irrelevant and far broader than the discovery the Board would permit under *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 26 (Mar. 5, 2013) (precedential). Please explain how you believe the non-precedential *Samsung* decision entitles you to the discovery you seek.

Contrary to your assertion, all of our petitions do address the time bar issue: we have identified all real parties in interest, none of which are time-barred. We have also explained how your theory that time-barred petitioners should have been named as real parties in interests lacks merit. To make it clear, a “petitioner’s initial identification of the real parties in interest should be accepted unless and until disputed by a patent owner.” *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1243 (Fed. Cir. 2018). To dispute it, the patent owner “must produce some evidence that tends to show that a particular third party should be named a real party in interest.” *Id.* at 1244 (emphasis in original). And pointing to a joint defense agreement is not enough. *Ricoh Ams. Corp. v. MPHJ Tech. Inv., LLC*, IPR2015-01178, Paper 8 at 2 (PTAB Aug. 6, 2015) (denying discovery because “that the Petitioners and infringing defendants are cooperating in the district court litigation is of no moment to the [RPI] issue here”).

Not only has Patent Owner not produced any such evidence, it appears from your email that Patent Owner is not even alleging that Prior Petitioners make or sell any products under Patent Owner’s licenses. Again, Petitioners see no justification for the broad discovery proposed by Patent Owner and will oppose such a request.

Scott

From: Nicholas T. Matich <nmatich@McKoolSmith.com>

Sent: Friday, October 27, 2023 5:28 PM

PUBLIC VERSION

To: Weidenfeller, Scott <SWeidenfeller@cov.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com
Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh <RPaul@cov.com>
Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

[EXTERNAL]

Scott,

Thank you. We look forward to hearing your response, but we are concerned that these delays are prejudicing Greenthread in preparing its POPR.

Your recently filed IPRs also do not appear to substantively address the time bar issue, even though we had already raised these deficiencies with you. For the avoidance of doubt, our objections and requests for discovery apply to these IPRs as well, e.g. IPR2024-00018, 00019, 00020, 00021.

McKool Smith | Nicholas T. Matich

Principal | Washington, DC | Tel: (202) 370-8301 | Mobile: (703) 863-7922

NOTICE OF CONFIDENTIALITY: The information contained in and transmitted with this e-mail is SUBJECT TO THE ATTORNEY-CLIENT and ATTORNEY WORK PRODUCT PRIVILEGE and is CONFIDENTIAL. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, use or reliance upon the information contained in and transmitted with this e-mail by or to anyone other than the addressee designated above by the sender is unauthorized and strictly prohibited. If you have received this e-mail in error, please notify the sender by reply immediately. Any e-mail erroneously transmitted to you should be immediately destroyed.

From: Weidenfeller, Scott <SWeidenfeller@cov.com>

Sent: Friday, October 27, 2023 4:38 PM

To: Nicholas T. Matich <nmatich@McKoolSmith.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com

Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh <RPaul@cov.com>

Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

Nick,

We plan to respond early next week.

Scott

From: Nicholas T. Matich <nmatich@McKoolSmith.com>

Sent: Friday, October 27, 2023 11:53 AM

To: Weidenfeller, Scott <SWeidenfeller@cov.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com

Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh <RPaul@cov.com>

Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

[EXTERNAL]

PUBLIC VERSION

Scott,

Please let me know when we can expect an answer to the below. Given the POPR deadline, we will need to move for discovery shortly if Petitioners do not withdraw their petitions or provide the information voluntarily.

McKool Smith | Nicholas T. Matich

Principal | Washington, DC | Tel: (202) 370-8301 | Mobile: (703) 863-7922

NOTICE OF CONFIDENTIALITY: The information contained in and transmitted with this e-mail is SUBJECT TO THE ATTORNEY-CLIENT and ATTORNEY WORK PRODUCT PRIVILEGE and is CONFIDENTIAL. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, use or reliance upon the information contained in and transmitted with this e-mail by or to anyone other than the addressee designated above by the sender is unauthorized and strictly prohibited. If you have received this e-mail in error, please notify the sender by reply immediately. Any e-mail erroneously transmitted to you should be immediately destroyed.

From: Nicholas T. Matich <nmatich@McKoolSmith.com>

Sent: Wednesday, October 25, 2023 9:02 AM

To: Weidenfeller, Scott <SWeidenfeller@cov.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com

Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh <RPaul@cov.com>

Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

Scott,

Please explain how Petitioners (i.e. Cirrus Logic, GlobalFoundries, OmniVision, and ams OSRAM) have “demonstrated that the petitions are not time barred.” The petition asserts that the petition is not time barred, but asserting a legal conclusion does not demonstrate that the conclusion is correct.

You mischaracterize Greenthread’s interrogatory response. The statement you identify was made in response to an interrogatory asking specifically what Greenthread “*allege[s]*.” Greenthread has no reason to affirmatively allege that its licensees make products that practice its patents in the EDTX litigation. Therefore, Greenthread responded that it had not made such an allegation. However, not making an affirmative allegation about a fact does not mean that Greenthread has taken a position one way or the other.

McKool Smith | Nicholas T. Matich

Principal | Washington, DC | Tel: (202) 370-8301 | Mobile: (703) 863-7922

NOTICE OF CONFIDENTIALITY: The information contained in and transmitted with this e-mail is SUBJECT TO THE ATTORNEY-CLIENT and ATTORNEY WORK PRODUCT PRIVILEGE and is CONFIDENTIAL. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, use or reliance upon the information contained in and transmitted with this e-mail by or to anyone other than the addressee designated above by the sender is unauthorized and strictly prohibited. If you have received this e-mail in error, please notify the sender by reply immediately. Any e-mail erroneously transmitted to you should be immediately destroyed.

From: Weidenfeller, Scott <SWeidenfeller@cov.com>

Sent: Tuesday, October 24, 2023 5:11 PM

To: Nicholas T. Matich <nmatich@McKoolSmith.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com

Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>; OSRAM-GREENTHREAD@lockelord.com; Paul, Rajesh <RPaul@cov.com>

Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

PUBLIC VERSION

Nick,

Cirrus Logic, GlobalFoundries, OmniVision, and ams OSRAM (collectively, "Petitioners") object to Patent Owner's requests. Petitioners have identified all real parties in interest and have demonstrated that the petitions are not time barred. Patent Owner has not shown any justification for the extremely broad discovery it seeks, other than that [REDACTED], Intel, [REDACTED] (collectively, "Prior Petitioners") may have been Petitioners' customers and that Petitioners are members of a joint defense group. Neither establishes that any unnamed party is a real party in interest.

Moreover, virtually all modern electronic products contain transistors, and your requests "relating to transistor products" would seemingly cover all communications and agreements Petitioners ever had with Prior Petitioners about any electronic products. We note that none of Petitioners had any discussions with Prior Petitioners regarding the prior litigations before Patent Owner filed complaints against Cirrus Logic, OmniVision, and ams OSRAM.

Finally, Petitioners have no knowledge as to what products made or sold by Prior Petitioners are covered by Patent Owner's licenses and whether the products contain any products made or sold by Petitioners. In fact, Patent Owner has taken the position in the EDTX litigations that there are no products made under the licenses: "Greenthread does not allege that Greenthread itself, or any company holding a license to the Patents-in-Suit, made, used, offered for sale, or sold any product that embodies or uses any alleged invention covered by the Patents-in-Suit."

Please let us know whether Patent Owner will reconsider its position.

Regards,
Scott

Scott Weidenfeller

Covington & Burling LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5923 | sweidenfeller@cov.com
www.cov.com

COVINGTON

This message is from a law firm and may contain information that is confidential or legally privileged. If you are not the intended recipient, please immediately advise the sender by reply e-mail that this message has been inadvertently transmitted to you and delete this e-mail from your system. Thank you for your cooperation.

From: Nicholas T. Matich <nmatich@McKoolSmith.com>
Sent: Tuesday, October 24, 2023 9:03 AM
To: Weidenfeller, Scott <SWeidenfeller@cov.com>; Park, Han <HPark@cov.com>; Sharma, Anupam <asharma@cov.com>; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com
Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>
Subject: RE: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

[EXTERNAL]
Counsel,

Please let us know when we can expect a response to the below.

Sincerely,
Nick Matich

McKool SMITH

Nicholas T. Matich
Principal

Washington, DC

Tel: (202) 370-8301 | Mobile: (703) 883-7622

www.mckoolsmith.com

NOTICE OF CONFIDENTIALITY: The information contained in and transmitted with this e-mail is SUBJECT TO THE ATTORNEY-CLIENT and ATTORNEY WORK PRODUCT PRIVILEGE and is CONFIDENTIAL. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, use or reliance upon the information contained in and transmitted with this e-mail by or to anyone other than the addressee designated above by the sender is unauthorized and strictly prohibited. If you have received this e-mail in error, please notify the sender by reply immediately. Any e-mail erroneously transmitted to you should be immediately destroyed.

From: Nicholas T. Matich <nmatich@McKoolSmith.com>

Sent: Friday, October 20, 2023 12:24 PM

To: Sweidenfeller@cov.com; Hpark@cov.com; Asharma@cov.com; bgreene@duanemorris.com; waliddell@duanemorris.com; dnguyen@lockelord.com; emma.bennett@lockelord.com; david.bluestone@bfkn.com

Cc: Greenthread-Omnivision-MS <Greenthread-Omnivision-MS@mckoolsmith.com>; Greenthread-Cirrus-MS <Greenthread-Cirrus-MS@mckoolsmith.com>; Greenthread-ams-OSRAM-MS <Greenthread-ams-OSRAM-MS@mckoolsmith.com>

Subject: Cirrus Logic Inc. et al. v. Greenthread LLC, IPR2024-00001, IPR2024-00016, IPR2024-00017

Counsel,

Petitioners in the above captioned matters have the burden of identifying all real parties in interest (RPIs) in the petition and demonstrating that the petitions are not time barred. *Samsung Electronics Co. Ltd. v. Netlist Inc.*, IPR2022-00615, Paper 40 (Director Vidal Feb. 3, 2023) (quoting *Worlds Inc. v. Bungie, Inc.*, 903 F.3d 1237, 1242 Fed. Cir. 2018); 35 U.S.C. § 322(a). The petitions should be withdrawn because they do not to meet these requirements.

More than one year before the filing of these petitions, Intel and [REDACTED] were served with complaints alleging infringement of Greenthread's patents at issue. [REDACTED] was an RPI of [REDACTED] [REDACTED] was served with a complaint alleging infringement of the '195 patent more than one year ago. As the attached documents indicate, at least one petitioner and/or Global Foundries is a supplier to each of Intel, [REDACTED]. Therefore, petitioners and Global Foundries may be operating, in part, under Greenthread's licenses to Intel, [REDACTED]. Accordingly, at least one petitioner and/or its RPI is in privity with Intel, [REDACTED] (or they are RPIs) and the petitions are time barred.

If petitioners do not withdraw its petitions, then each petitioner and Global Foundries should produce:

- (1) All agreements with Intel, [REDACTED] relating to transistor products sold to or made for them or the prior litigations.
- (2) All communications with these Intel, [REDACTED] relating to such products or the prior litigations.

Further, each petitioner and Global Foundries should provide a sworn declaration stating whether it believes any of its activities are covered by Greenthread's licenses.

Second, we understand that there is a joint defense agreement among defendants in district court actions involving these patents. Therefore, petitioners should (1) withdraw their petitions, (2) amend the petitions to include the other defendants as RPIs, or (3) produce any joint defense agreement and any communications with other members of the joint defense group relating to the patents at issue (including under a privilege log if necessary) so that we can evaluate any claim by petitioners that other defendants were not involved in these IPRs. *Mitek Sys., Inc. v. United Servs. Auto.*

PUBLIC VERSION

Ass'n, No. IPR2020-00882, 2020 WL 4375112, at *7 (P.T.A.B. July 30, 2020) (“granting USAA's request for any joint defense or common interest agreements”).

Sincerely,
Nick Matich
Counsel for Patent Owner Greenthread LLC

McKool Smith | Nicholas T. Matich
Principal | Washington | Tel: (202) 370-8301 | Mobile: (703) 863-7922