

From: [Weidenfeller, Scott](#)
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
Date: Tuesday, October 24, 2023 4:11:12 PM
Attachments: 
[image001.png](#)

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  Intel,  (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

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

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From: Nicholas T. Matich <nmatich@McKoolSmith.com>
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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, Dell, Samsung, and Sony. Therefore, petitioners and Global Foundries may be operating, in part, under Greenthread's licenses to Intel, [REDACTED] and/or [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. 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

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