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Transcript of Conference Call

Date: May 2, 2025

Case: Cirrus Logic, Inc., et al. -v- Greenthread, LLC (PTAB)

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CIRRUS LOGIC, INC., and
OMNIVISION TECHNOLOGIES, INC.,
Petitioners,

v.

GREENTHREAD LLC,
Patent Owner.

IPR2024-00001 (Patent 10,734,481 B2)
IPR2024-00016 (Patent 10,510,842 B2)
IPR2024-00017 (Patent 8,421,195 B2)
IPR2024-00018 (Patent 9,190,502 B2)
IPR2024-00019 (Patent 11,316,014 B2)
IPR2024-00020 (Patent 11,121,222 B2)
IPR2024-00021 (Patent 11,121,222 B2)

Before GRACE KARAFFA OBERMANN, DONNA M. PRAISS, and
MONICA S. ULLAGADDI, Administrative Patent Judges

CONFIDENTIAL - UNDER SEAL

TELEPHONIC CONFERENCE CALL

FRIDAY, MAY 2, 2025

7:32 a.m. PDT
to
7:58 a.m. PDT

Stenographically Reported by:
Burgundy B. Ryan, RPR,
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EMORY UZACK, Global Foundaries

1 FRIDAY, MAY 2, 2025

2 MORNING SESSION

3 7:32 a.m. PDT

4 THE COURT: This is Judge Grace Obermann and I
5 was speaking with the mute on, so I apologize for that
6 delay.

7 I'm Judge Grace Obermann, and I have on the
8 phone with me Judge Monica Ullagaddi and Judge Donna
9 Praiss.

10 We're here today for a conference call in
11 IPR2024-00017, which is joined with IPR2024-00771, as
12 well as IPR2024-00018, which is joined with
13 IPR2024-00773. We're also here for IPR2024-00019 joined
14 with IPR2024-00774 and IPR2024-00020. I believe that's
15 the case listing, but counsel can correct me.

16 Who do we have here today for patent owner?

17 MR. WHITEHURST: Good morning, your Honor. You
18 have on the line Alan Whitehurst from McKool Smith for
19 patent owner Greenthread. And with me today is my
20 colleague and backup counsel Arvind Jairam.

21 THE COURT: Thank you.

22 Mr. Whitehurst, will you be providing the
23 arguments today?

24 MR. WHITEHURST: Yes, I will.

25 THE COURT: Thank you.

1 And who do we have for Petitioners?

2 MR. WEIDENFELLER: Good morning, your Honor.

3 This is Scott Weidenfeller with Covington & Burling.

4 Also with me from Covington is my colleague Anupam

5 Sharma, and I understand that Mike LeStrange and Emory

6 Uzack (Phonetic) from Global Foundaries are on the call.

7 I'm not sure who else is on the call but we do have a

8 court reporter, your Honor, just so you're aware, and

9 we'd be happy to provide a transcript to the board after

10 the call.

11 THE COURT: Thank you, Mr. Weidenfeller. And

12 please provide it in each of the -- each of the cases

13 that we've identified.

14 And, Mr. Weidenfeller, will you be providing

15 the arguments today fully for Petitioner or will anyone

16 else be joining you in the arguments?

17 MR. WEIDENFELLER: I intend to present fully,

18 although if there are questions about particular --

19 particular clients of ours, I may ask for help from

20 others who are on the call but I intend to present the

21 arguments fully.

22 THE COURT: Okay. Good enough. So all of the

23 joined parties are represented as well?

24 MR. BLUESTONE: Yes. And, your Honor, this is

25 David Bluestone on behalf of Omnivision, co-petitioner,

1 and Scott can make the arguments for us as well.

2 THE COURT: Thank you very much.

3 MR. GRISWOLD: Your Honor, this is
4 Josh Griswold for Texas Instruments, joined
5 Petitioner.

6 THE COURT: Thank you, Mr. Griswold.

7 Okay. And we do have a court reporter, so
8 thank you for that.

9 We're here to discuss the necessity for
10 reopening discovery in these cases so I would like to
11 start by having each party address their views on
12 whether discovery needs to be reopened and what scope of
13 discovery would be appropriate.

14 I'll start with Patent Owner, please.

15 MR. WHITEHURST: Yes, your Honor. We believe
16 that reopening discovery is necessary. And at least to
17 the privity issue, discovery would go to all agreements
18 between Petitioner and its affiliates and Intel, [REDACTED]
19 and/or [REDACTED] relating to the product Petitioner and/or
20 its affiliate sales to those parties, including sales
21 contracts and design agreements and various other items
22 that were mentioned in our original discovery request.

23 THE COURT: Do I understand that you're not
24 narrowing that request at all?

25 MR. WHITEHURST: We would be narrowing it to

1 the privity issue, to the topics that I just mentioned.
2 We would also include all communications between
3 Petitioner and its affiliates and Intel, [REDACTED] and/or
4 [REDACTED] and their affiliates relating to the design of
5 products Petitioner and/or its affiliates make for them.

6 We would also be requesting an interrogatory
7 answer stating whether Petitioner will assert that its
8 sales to the parties that I've previously mentioned are
9 licensed. And also, if Petitioner does not produce an
10 indemnification agreement for Intel, [REDACTED], and [REDACTED],
11 that Petitioner be required to produce an affidavit or
12 declaration under penalty of perjury that the agreement
13 does not exist and allow Patent Owner the opportunity to
14 depose the corporate representative.

15 THE COURT: Anything else, Mr. Whitehurst?

16 MR. WHITEHURST: Not at this time. No, your
17 Honor.

18 THE COURT: Mr. Weidenfeller, would you like to
19 respond?

20 MR. WEIDENFELLER: Yes. Thank you, Judge
21 Obermann.

22 I'll start off with we're at a bit of a
23 disadvantage because I understand there was a conference
24 call yesterday between the parties in the semiconductor
25 case and Mr. Whitehurst was a party to that and the

1 board was a party to that, we were not a party to that
2 so I'm not sure exactly what transpired there.

3 But I believe the opening of discovery that
4 Mr. Whitehurst is asking for is overly broad based on
5 the director's order and I also believe that discovery
6 is not required at this time. I believe the board
7 should go forward and either issue decisions or wait and
8 see what happens in those cases without requiring
9 discovery in the burdensome discovery on the parties in
10 this case.

11 THE COURT: When you say "discovery in the
12 other cases," you're talking about what transpired
13 yesterday?

14 MR. WEIDENFELLER: Yes, your Honor.

15 THE COURT: I can tell you, Mr. Weidenfeller,
16 because it's going to be made public, that yesterday we
17 discovered that the order that the panel issued in those
18 cases regarding the initial request for discovery
19 actually included a clause, it was -- they were entered
20 without prejudice and we directed patent owner in those
21 cases to, you know, take advantage of filing narrower
22 discovery orders.

23 And so our -- our feeling yesterday was that
24 we've complied with the director's direction already in
25 those cases so we're going forward to trial on May 6th

1 in those cases. But I did go back and look and the
2 orders that were entered in these cases seem to mirror
3 exactly the orders that went out in the first wave cases
4 that were the subject of the director's decision, so I'm
5 not seeing a difference between the orders in these
6 cases and the orders that were the subject of the
7 director's decision. So I don't think what happened
8 yesterday has any application here.

9 I'll let Mr. Whitehurst speak and correct me if
10 anything I've said is incorrect.

11 MR. WHITEHURST: Well, we do not disagree with
12 your conclusion that the relevant order in the present
13 IPRs, which is paper 18 dated March 18th, 2024, is
14 substantially identical to the order that was at issue
15 and the director -- director's decision. We agree.

16 THE COURT: Thank you. So -- so,
17 Mr. Weidenfeller, I think our view here is that we -- we
18 are operating under the assumption that the director's
19 decision has equal force here in this case. She made
20 pretty clear that we do need to have some kind of at
21 least limited discovery. So what I'm really asking here
22 is, you know, do you have any position that you can
23 share now or do we need to know what the scope of this
24 discovery is going to be in view of the guidance that
25 was provided by the director.

1 MR. WEIDENFELLER: Thank you, your Honor. I
2 would like to make one point first and then I'll -- I'll
3 answer your question.

4 Our point being that the time for seeking
5 review of the director review decision has not run yet
6 and we're not sure exactly what the -- the parties --
7 what the petitioners in the semiconductor case will do
8 there. It would -- it's our position that the
9 subsequent order where the denial was expressly made
10 without prejudice put patent owner here on notice that
11 it should be seeking discovery in all of these cases
12 where the -- where the discovery requests were virtually
13 identical and the issues were virtually identical, the
14 decisions were very similar, although not identical, and
15 I think that our position is that they were put on
16 notice.

17 That having been said, our position with
18 respect to the scope of the discovery, would be that it
19 should be limited to the issues identified by the
20 director in her director review decision, i.e.,
21 indemnification agreements between Petitioner and Intel
22 and the terms and conditions of sale agreements between
23 Petitioner and Intel related to products accused of
24 practicing the challenged claims.

25 THE COURT: Okay.

1 MR. WEIDENFELLER: And when we're referring to
2 products accused of practicing the challenged claims, I
3 want to make clear that under Western Eco (phonetic)
4 that the products accused are the products accused in
5 the Intel case, not in the case against petitioners
6 here.

7 THE COURT: I understand. Okay. Thank you,
8 Mr. Weidenfeller.

9 And Petitioner would be amenable to providing
10 that discovery.

11 MR. WEIDENFELLER: Yes, your Honor, subject to
12 our position that we believe that the patent owner here
13 was put on notice that it should have renewed its
14 request.

15 THE COURT: I understand.

16 MR. WEIDENFELLER: But thank you, your Honor.

17 THE COURT: Yes, I understand. Okay. That is
18 very helpful.

19 Anything in response, Mr. Whitehurst?

20 MR. WHITEHURST: Yes. We cannot agree to limit
21 the discovery to just Intel. We believe that we're
22 entitled as to Intel, [REDACTED], and [REDACTED] as we asked and
23 sought in our original discovery motion which was denied
24 in paper 18, and we don't believe the director --
25 director's decision is limited to Intel.

1 You can see that in the decision itself it
2 says, "such as any indemnification agreements between
3 Petitioner and Intel," but Intel is just one example and
4 it does not use closed language limiting it to just
5 Intel.

6 THE COURT: Thank you. And,
7 Mr. Weidenfeller, the discovery that you laid out in
8 your presentation, how long would it take you to produce
9 that?

10 I'm not hearing you.

11 MR. WEIDENFELLER: Your Honor, we would
12 request -- I'm sorry, your Honor. We would request four
13 weeks for that discovery.

14 THE COURT: Okay. Four weeks. Okay. There is
15 no chance you could get it earlier?

16 MR. WEIDENFELLER: We -- we could do our best,
17 your Honor, if -- if the board sets something earlier
18 but we would request four weeks. Perhaps we can do it
19 in three if -- if the board would prefer to.

20 THE COURT: Okay. Thank you, Mr. Weidenfeller.
21 I am going to put you both on a brief hold while I
22 confer with the panel. Please stand by and we will be
23 back momentarily.

24 MR. WEIDENFELLER: Thank you, your Honor.

25 (Break in proceedings.)

1 THE COURT: Good morning, Counsel. This is
2 Judge Obermann again and I have on the phone with me
3 Judge Monica Ullagaddi and Judge Donna Praiss. Just one
4 moment, a judge is contacting me again. Hold on.
5 Please stand by. Okay.

6 The panel -- let me just make sure,
7 Mr. Whitehurst, are you still here for Patent Owner?

8 MR. WHITEHURST: I am, your Honor.

9 THE COURT: Thank you. And, Mr. Weidenfeller,
10 are you still here for Petitioners?

11 MR. WEIDENFELLER: Yes, your Honor.

12 THE COURT: Okay. Thank you very much. The
13 panel has conferred and we are going to order the
14 parties to jointly submit a paper by close of business
15 on Monday that lays out the minimum discovery required
16 by the director's decision, and this should be as
17 articulated by Petitioner's counsel during this call.
18 So, please, if you can get the transcript, that may be
19 helpful. Once we get that in hand, please begin the
20 discovery. The discovery will be due on June 2nd. And
21 in the interim, the board is going to put into the
22 record a supplemental scheduling order. We will provide
23 that in due course.

24 Any questions from Mr. Whitehurst?

25 MR. WHITEHURST: Yes. Just to clarify, you are

1 asking both parties to submit a paper by the close of
2 business on Monday; is that correct?

3 THE COURT: Well I wanted it -- I wanted it to
4 be joint. You don't have to agree with Petitioner's
5 counsel's articulation of it but I want something in the
6 record that articulates this as he stated. So you can
7 put in there that you disagree with it but I do want a
8 joint paper by close of business Monday that articulates
9 the minimum discovery required by the director's
10 decision as articulated by Petitioner's counsel, and
11 very soon after that I'm going to issue a supplemental
12 scheduling order that will include the discovery that
13 the board is going to actually provide.

14 MR. WHITEHURST: Yes, your Honor. And are you
15 ordering us to meet and confer and try and reach
16 agreement and if we cannot agree --

17 THE COURT: Yes.

18 MR. WHITEHURST: -- to indicate our opposing
19 positions?

20 THE COURT: That would be great. If you can do
21 that by close of business Monday, yes. If you can meet
22 agree, then the joint paper that's filed on Monday --
23 you know, what I could do is let you have until close of
24 business on Wednesday if that would facilitate a meet
25 and confer. And let's see what date Wednesday is. I'm

1 going to give you until Wednesday -- let me just see
2 what the date will be -- Wednesday, May 7th.

3 If you can provide a joint statement, it would
4 be great if you can agree to the scope of the discovery,
5 but if you can't, please briefly state your opposition
6 and we will resolve that by -- we will make every effort
7 to resolve that May 14th with a scheduling order that
8 will include the required discovery that we're going
9 to, you know, have applicable.

10 And then by June -- let's see -- we want four
11 weeks from the 14th, one, two, three, four, by June 11th
12 I will have discovery closing. And that scheduling
13 order is also going to include optional briefing. I
14 think these cases have already been briefed on the
15 merits. So you should put your heads together after the
16 discovery is complete on June 11th to decide whether you
17 think you need a supplemental hearing on the privity
18 issue and I will include in the scheduling order a date
19 for that optional hearing but you'll have to have let us
20 know if you want it.

21 And I think that is all we are going to need in
22 terms of a scheduling order but I will ask
23 Mr. Whitehurst if you think of anything else.

24 MR. WHITEHURST: No. I thank you for the
25 additional time until May 7th. I agree that will give

1 us additional time to meet and confer. And as you
2 know, we have a hearing on the 6th so we certainly
3 appreciate the additional time until May 7th.

4 I have no other issues except for I am told
5 that the transcript of today's hearing should be filed
6 under seal to give us an opportunity to redact the
7 identity of [REDACTED] and [REDACTED]. So it should be marked
8 confidential and filed under seal, your Honor.

9 THE COURT: Okay. Thank you for that,
10 Mr. Whitehurst, and, Mr. Weidenfeller, please do file it
11 under seal and then if the parties can, you know, give
12 us a redacted version for public access within a -- you
13 know, a few days, that would be great.

14 Mr. Weidenfeller, do you have any -- anything
15 to add at this time?

16 MR. WEIDENFELLER: Nothing to add at this time,
17 your Honor. Thank you. And we will file the transcript
18 as you described.

19 THE COURT: Okay. Thank you. And I would like
20 to mention to counsel, I had forgotten that
21 Mr. Whitehurst is going to be having this hearing on the
22 6th, so if you feel that the meet and confer is
23 productive and that a little extra time might enable the
24 parties to reach an agreement on the scope of discovery,
25 please just shoot us an email to the trial section. We

1 do have some time here to play with because we have, you
2 know, the -- the deadline has been extended so I
3 would -- I would like to err on the side of giving you
4 enough time to reach an agreement.

5 MR. WHITEHURST: Thank you, your Honor, but
6 mainly thank you from the rest of my team. They were
7 looking at me here begging for more time than the
8 May 7th -- or May 8th. But hopefully we'll endeavor to
9 meet and confer, be productive, get you something by
10 May 8th. And if we are not able to reach agreement, we
11 will do and think it would be productive we will do as
12 you just mentioned.

13 THE COURT: Thank you very much.

14 Okay. If there is nothing else from any --
15 either counsel, I will adjourn the call. But let me
16 just give you a chance one last time since you have the
17 panel on the phone if there is anything that either side
18 would like to bring up. I will start with
19 Mr. Weidenfeller.

20 MR. WEIDENFELLER: Nothing further from
21 Petitioner. Thank you very much, your Honor.

22 THE COURT: Thank you.

23 Mr. Whitehurst?

24 MR. WHITEHURST: Nothing -- nothing, your
25 Honor.

1 THE COURT: Okay. Thank you, Counsel. I
2 appreciate your help. And we look forward to your
3 submission.

4 The call is adjourned.

5 (Proceedings concluded.)

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2 CERTIFICATE OF STENOGRAPHIC REPORTER
3
4

5 I, BURGUNDY B. RYAN, a Certified Shorthand
6 Reporter, hereby certify that the proceedings held on
7 Friday, May 2, 2025, were taken at the time and place
8 therein named; that the testimony of said witnesses and
9 parties was stenographically reported by me, a
10 disinterested person, and was thereafter transcribed
11 into typewriting.
12

13 I further certify that I am not of counsel or
14 attorney for either or any of the parties to said
15 deposition, nor in any way interested in the outcome of
16 the cause named in said caption.
17

18 DATED: Tuesday, May 6, 2025.
19

20 
21 _____
22 Burgundy B. Ryan, CSR No. 11373, RPR
23
24
25

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