

**From:** [Trials](#)  
**To:** [Wolfe, Michael](#); [MLB-Lam-IPR-Team](#); [PH-Lam-Inpria-IPR](#)  
**Cc:** [Trials](#)  
**Subject:** IPR2024-00033 - Lam Research v Inpria Corp.  
**Date:** Monday, January 27, 2025 10:22:08 AM  
**Attachments:** [image001.png](#)

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Counsel,

Setting aside the relief granted in Paper 51, discovery in this proceeding is complete, the record is closed, all briefs are submitted, and final arguments are set to be heard in three business days. Where the statutory deadline for entry of a final written decision falls on April 24, 2025, the Board will entertain no requests to reopen the record, or permit post-hearing briefing or arguments on newly-entered evidence, at this late stage of the proceeding. The parties improperly present arguments in the communication below. Going forward, both parties are strictly prohibited from presenting arguments in email transmissions to the Board. The Board will enter a copy of this email correspondence as Exhibit 3010.

Regards,

Tina Lee  
Supervisory Paralegal Specialist  
Patent Trial and Appeal Board

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**From:** Wolfe, Michael <michaelwolfe@paulhastings.com>  
**Sent:** Friday, January 24, 2025 4:14 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** MLB-Lam-IPR-Team <MLB-Lam-IPR-Team@morganlewis.com>; PH-Lam-Inpria-IPR <PH-Lam-Inpria-IPR@paulhastings.com>  
**Subject:** IPR2024-00033 - Lam Research v Inpria Corp.

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Your Honors,

It has come to our attention that, in response to a subpoena served by Lam in the related district court litigation, Oregon State University produced a “packet” of documents submitted with Dr. Stowers’s dissertation. Before OSU produced the packet in response to Lam’s subpoena, counsel for Lam emailed counsel for Inpria in this IPR insisting we turn over this packet (even though it was not in our possession), calling it “highly relevant to the issue of the publication date and purported embargo” and “of utmost relevance in this proceeding.”

OSU produced the document to both parties in the litigation on January 9, 2025. Lam then withdrew its request to Inpria’s IPR counsel to produce the packet. Lam did not mention this document in its MTA sur-reply, and has presented arguments in its MTA sur-reply that are inconsistent with information contained in this document that was produced by OSU. Paper 54 at 7-8.

Patent Owner respectfully requests authorization to file the document in question so that it is available to the Board as it considers the Stowers 2008 public accessibility issue.

We have conferred with counsel for Petitioner, who disagrees. Petitioner provides its response below:

First, Petitioner notes its position that Patent Owner impermissibly presents arguments in an email to the Board and that the correct mechanism is to request a call with the Board and request authorization to file a late obtained document into the proceeding. Petitioner strenuously objects to Patent Owner submitting new “evidence” to the Board without prior authorization. Accordingly, to the extent Patent Owner wishes to submit new evidence, Petitioner believes that the appropriate method for doing so is to request leave to file an appropriate motion. While Petitioner would oppose such a motion, this process would allow the Board the opportunity for a full record as to whether the new evidence should be admitted in this proceeding.

Second, Petitioner does not believe it is appropriate or necessary to submit this document to the Board. First, given the advanced stage of this proceeding, with a Hearing scheduled next week, Patent Owner’s request to add new evidence at this time is too late to raise this unauthenticated packet of documents without any way for Petitioner to test its veracity. Indeed, the timing is especially troubling given that Patent Owner has had the documents for over two weeks, and delayed this request until after the parties exchanged demonstratives for the Hearing. Moreover, the information included in this document is redundant with information that is already in the record before the Board—namely that Dr. Stowers requested an embargo. Given that Dr. Stowers already testified to precisely that fact, there is no need for this cumulative evidence (which is why Lam withdrew its request after OSU produced the relevant document in the related district court proceeding). Lam’s arguments in its MTA sur-reply are entirely consistent with the information contained in this document and already in the record here. And Patent Owner’s suggestion that “Lam did not mention this document in its MTA sur-reply,” ignores the fact that Petitioner was not permitted to submit any new evidence with its Sur-Reply, so had no way to present it.

Respectfully,  
Michael Wolfe



**Michael Wolfe | Associate**

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