Transcript of Conference Call

Date: May 1, 2025
Case: Semiconductor Components Industries, LLC, et al. -v- Greenthread, LLC (PTAB)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

CONFERENCE CALL

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC, D/B/A ONSEMI and TEXAS INSTRUMENTS INCORPORATED,

Petitioner,

V.

GREENTHREAD, LLC,

Patent Owner.

Case Nos.
IPR2024-00263
IPR2024-00264
IPR2024-00265
IPR2024-00266
IPR2023-01242
IPR2023-01243
IPR2023-01244

REPORTERS TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE JUDGES GRACE OBERMANN, DONNA PRAISS, JON TORNQUIST, MONICA ULLAGADDI, AND JULIA HEANEY

CONDUCTED TELEPHONICALLY

May 1st, 2025

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Reported By: Sara Halfacre, Texas CSR

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P R O C E E D I N G S

THE COURT: Good afternoon. This is the conference call at IPR2024-00263, IPR2024-00264, IPR2024-00265, and IPR2024-00266.

My name is Judge Grace Obermann, and I have on the line with me, Judge Donna Praiss, Judge Julia Heaney, Judge Jon Tornquist and Judge Monica Ullagaddi.

Great, do we have a court reporter on the line?

THE COURT REPORTER: Good afternoon. Yes, you do. This is Sara Halfacre.

THE COURT: Thank you, very much.

Who retained the court reporter? Was that Patent Owner?

MR. FULGHUM: No, Your Honor. This is Roger Fulghum for Petitioner, Petitioner retaining court reporter.

THE COURT: Okay. Thank you. It's Mr. -- I'm sorry, is it Mr. Fulghum?

MR. FULGHUM: Yes. Mr. Fulghum. I'm lead counsel for Petitioner.

THE COURT: Thank you, Mr. Fulghum. Will you please file a copy of the transcript at your earliest convenience, and each of the copies with counsel.

MR. FULGHUM: I will Your Honor.

1 May I ask one point of clarification?
2 THE COURT: Yes.
3 MR. FULGHUM: In the order or in the email
4 setting this, the email also identified in the title the
5 four earlier IPRs.
6 THE COURT: Yes. And I'm going to address
7 that. I understand that there's been a little
8 confusion. The panel was a little confused as well.
9 What I wanted to do was have a discussion with counsel
10 and I wanted to see if anyone here is able to -- is in
11 the position to represent TI who was joined to that
12 earlier set but not this set. Because I have a feeling
13 that TI's counsel was left off of the actual invite.
14 One this I wanted to do Mr. Fulghum, was
15 just see if TI is here.
16 MR. GRISWOLD: Your Honor, this is Josh
17 Griswold on behalf of TI. I was invited by Mr. Fulghum
18 because of the addition of the cases that we're joined
19 to. So we're all here then.
20 THE COURT: Okay. That's wonderful. So we
21 will also be discussing today the earlier cases, the
22 ones that were the actual subject of the director's
23 decision, which issued on April 24th, paper 94, and
24 those IPRs are IPR2023-01242, IPR2023-01243, and
25 IPR2023-01244.

1 So I want to start with introduction of
2 counsel and I want everyone to introduce themselves
3 again. But before I do so I also want to make clear
4 that there may have been some -- unfortunately, I think
5 one of your counsel has the same last name of somebody
6 who works at NOAA and was inadvertently invited to this
7 call. I doubt she's here but I just want you to know
8 that there could be other people present. So I want to
9 make sure we don't discuss any confidential information
10 during this call, because every now and then somebody
11 will dial-in.
12 First, let's see who's here for
13 Semiconductor Components.
14 MR. FULGHUM: Thank you, Your Honor. This
15 is Roger Fulghum, lead counsel for Petitioner. I'll
16 introduce everyone on our side. Also, with us today are
17 my backup counsel, Mark Spiegel, Ellyar Barazesh, and
18 Daniel Anderson, and also -- oh, one other Elliott
19 Williams. And also with us today are our client
20 representatives from ONSEMI. That includes Chief IP
21 Counsel Rob Tuttle and Josh Engel.
22 I'll note that the person who was added was
23 a person named Julie Spiegel. She evidently at one time
24 was associated with the fishers division of the NOAA. I
25 doubt that she'll join this call.

THE COURT: Thank you Mr. Fulghum. Anyone else for Semiconductor?

Okay. Mr. Fulghum, you'll be presenting arguments by yourself or will any of your colleagues be assisting you with actual presentation?

MR. FULGHUM: It will be me today.

THE COURT: Thank you so much. And who again do we have for Texas Instruments?

MR. GRISWOLD: Your Honor, this is Joshua Griswold at Fisher & Richardson for Texas Instruments. I'm the lead counsel.

THE COURT: Thank you, very much.

Do we have anyone else for TI today?

MR. GRISWOLD: No, Your Honors.

THE COURT: Thank you. And who do we have for Greenwood [sic]?

MR. WHITEHURST: Good afternoon, Your Honors. Alan Whitehurst from Mckool Smith for Patent Owner Greenthread and with me today is my backup counsel Arvind Jairam.

THE COURT: Okay. Mr. Whitehurst, will you be presenting arguments today?

MR. WHITEHURST: Yes, I well.

THE COURT: No one else.

Mr. Griswold, I just want to clarify that

1 as a backup counsel you will not be presenting arguments
2 today.
3 MR. GRISWOLD: Yes, Your Honors.
4 THE COURT: Okay. So we will be hearing
5 from Mr. Fulghum and Mr. Whitehurst. I also wanted to
6 mention that we, you know, we're going to be hearing a
7 related set of cases tomorrow morning at 10:30 in the
8 set that begins with IPR2024-00017.
9 My understanding is that the cases that
10 we're going to be hearing tomorrow actually will have
11 the earliest due date for the finals. So, just so that
12 you're aware I did have some discussion with the
13 panelists and we're going to try to stream line this as
14 much as we can.
15 I understand that Petitioner objects to
16 going forward in the original set that is the subject of
17 the actual, is it director decision? Because they plan
18 to file on May 8th a hearing decision. But I just want
19 to state upfront that, you know, we don't see a lot of
20 reason to, you know, do anything right now because you
21 haven't done that it's speculative. We are sensitive to
22 the fact that those three cases don't have the same
23 statutory due date, you know, as the others because just
24 the procedural posture is such that, you know, we have a
25 goal to get those out early but they don't actually have

1 statutory due date now.
2 My thinking is that we have a firm
3 statutory due date in the cases that will be heard
4 tomorrow. So I just want you all to wrap your heads
5 around the ideas that those cases that we're going to
6 talk about tomorrow, we have to have finals filed, by my
7 understanding, by November 1st.
8 So in all of these cases unless you have a
9 better suggestion I would like to say that we get
10 discovery complete by July 1st and any additional
11 briefing done by August 1st so that the panel will have
12 their full three months to draft decisions.
13 So with that in mind I would like to hear
14 from Patent Owner about the scope of discovery they
15 believe they need. And right now we're going to be
16 talking about -- let's talk about the set that was going
17 to be heard on May 6th.
18 And just for the record we are going to
19 cancel the hearing on May 6th and we will issue a
20 revised scheduling order that will talk about the, you
21 know, the dates for discovery, what we need, and we're
22 going to schedule a new hearing date. And I want to get
23 everybody's input on this.
24 But I want to hear from Patent Owner first
25 to, you know, really address what they think they need

ONSEMI EXHIBIT 1061, Page 10
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1 in the -- in, you know, view of the directors decision
2 in terms of discovery in the O262 through the
3 0266 cases.
4 MR. WHITEHURST: Yes, Your Honor, this is
5 Patent Owner --
6 MR. FULGHUM: Your Honor, this is Roger
7 Fulghum for Petitioner. I hate to interrupted and I
8 know that you were planning on calling a Patent Owner
9 but we would like to speak to the thought of canceling
10 the May 6th hearing. We would suggest that that hearing
11 not be canceled and we are prepared to speak to that
12 issue.
13 THE COURT: Patent Owner, what's your
14 position on that?
15 MR. WHITEHURST: Well, Your Honor, we have
16 a different view but it is contingent on where the panel
17 is leaning at at this time. We believe Patent Owner has
18 already been prejudiced by having to litigate these
19 IPR's, and you mentioned trying to steam -- streamline
20 things.
21 We believe that to reopen discovery and
22 force Patent Owner to further litigate these IPRs will
23 only further prejudice us. We understand that the
24 director's decision grants Patent Owner the right to
25 take discovery. But we believe that Patent Owner has

1 already produced evidence to sufficiently put the
2 privity issuing into dispute. And if the panel agrees
3 with Patent Owner on this point we would be willing to
4 withdraw our request for discovery.
5 It's our position that Petitioner do
6 without world and that they had the opportunity to
7 introduce actual evidence but that they chose not to do
8 so. We believe that was Patent -- Petitioner, excuse
9 me. We believe that was Petitioner's decision and
10 they're now saddled with that decision.
11 So we believe that the record, it may be in
12 the interest of the panel that the record's closed and
13 finds itself in a position to issue final written
14 decisions in all of these cases, siding with Greenthread
15 on the privity issue. Now --
16 THE COURT: My understanding though -- what
17 I'm hearing you say is that this is a contingent offer
18 to decline discovery in these cases only in the event
19 that you win on privity.
20 MR. WHITEHURST: Not exactly. It was if
21 the panel agrees with Patent Owner that under the first
22 prong in Worlds, that we have produced evidence to
23 sufficiently put the privity issue into dispute.
24 Under our reading of Worlds, once we
25 produced evidence to sufficiently put the privity issue

1 into dispute, which we believe we have. That put the
2 burden not only on Semi, the Petitioner here, but also
3 that the Petitioner's in the other 14 IPR's. And they
4 had a burden to produce actual evidence, which the
5 Federal Circuit has instructed us is an affidavit, a
6 declaration or other actual evidence, something more
7 than just attorney arguments.
8 But when we look at the papers we see
9 across all 21 of the IPR's that the Petitioner's relied
10 entirely on attorney arguments.
11 So it's a pretty simple issue that once we
12 have met and produced evidence to sufficiently put the
13 issue into dispute under the record as it currently
14 stands, all of the Petitioners had the opportunity to
15 submit actual evidence, chose not to do so, and under
16 Worlds it would allow the panel to go ahead and issue
17 final written decisions across all 21 IPRs on the
18 current record without any further discovery, briefing
19 or hearings in any of these IPR's.
20 THE COURT: I -- I would beg the differ,
21 Mr. Whitehurst. I don't believe that what you're
22 arguing during this conference call has been briefed; is
23 that correct?
24 MR. WHITEHURST: Well we certainly have
25 briefed it. We believe from the outset that showing --

1 THE COURT: Okay. Hold on a second,
2 Mr. Whitehurst. What you're arguing is waiver by
3 Petitioner. Where did you argue waiver in the brief?
4 MR. WHITEHURST: Well we argued it
5 throughout the papers that under Worlds, that
6 Petitioners never produced affidavits, declarations or
7 actual --
8 THE COURT: Can you please cite the record
9 for where you argued waiver?
10 MR. WHITEHURST: Well, I wouldn't call it
11 waiver. I would call it failure to produce actual
12 evidence. Which is what our director review requests
13 turned on and my colleague is pulling up a copy of our
14 director review requests where we cite to the papers on
15 this form. And we are in --
16 THE COURT: Okay. What we're dealing with
17 now is a director review decision that has told us to
18 reopen discovery. What I want from you, if you're going
19 to go this route, is an absolute statement that you
20 declined to pursue discovery on the privity issue in
21 these actions.
22 MR. WHITEHURST: I understand and we would,
23 if the panel disagrees that we produced evidence to
24 sufficiently put the privity issue into dispute we would
25 not waive our right of discovery.

1 THE COURT: No, you're doing something
2 that's contingent on our final written decision. And
3 then you're going to come back and tell the director
4 that we denied you discovery. So the only way that
5 we're going to entertain this is if you absolutely deny
6 or absolutely state that you are not seeking discovery
7 in these cases. Are you willing to do that?
8 MR. WHITEHURST: I have not discussed that
9 issue with my client, but --
10 THE COURT: Well they you're not ready to
11 do that.
12 What's your position on the hearing on
13 May 6th?
14 MR. WHITEHURST: Again, we believe that we
15 have produced evidence to sufficiently put the privity
16 issue into dispute but we're not willing to waive the
17 additional discovery at this time.
18 THE COURT: Okay. You're not willing to
19 waive.
20 I'm going to take a brief pause. Unless
21 the Petitioner's counsel, would you like to respond to
22 Mr. Whitehurst?
23 MR. FULGHUM: Yes, I would.
24 Clearly Mr. Whitehurst is trying to have it
25 both ways. Patent Owner has never put the privity issue

1 into dispute and this panel has determined that over and
2 over again. If there is no additional discovery then
3 there is certainly no showing of privity under the facts
4 and the law of this case. And this panel can reinstate
5 the final written decisions in the earlier set of IPR
6 proceedings.
7 I'd also like to say a few words about the
8 May 6th hearing. The May 6th hearing should go forward.
9 We're ready to proceed. We're ready to go forward with
10 that hearing.
11 I will also point out that there certainly
12 of course has not been a director review decision that
13 would affect the second set of IPRs. Those are the ones
14 with the 2024 heading, which we in our nomenclature we
15 call that the second wave. There is no -- been no
16 director review decision in that regard.
17 I would also point out the following: In
18 the director review decision on page 3 the director
19 writes, under these circumstances the board, either
20 should have allowed whatever narrower discovery was
21 appropriate or made it clear that Patent Owner could
22 amend or resubmit its discovery motions.
23 I will also point out that the panel did
24 exactly that in the second set of IPRs. I'll draw the
25 panel's attention to page 3 of the order denying the

1 motion for additional discovery in the second set of
2 IPRs. This is paper 11 entered April 19th, 2024. The
3 very bottom --
4 THE COURT: Can you hold on just one
5 second? I want to hear your argument but I want to pull
6 that up first.
7 MR. FULGHUM: Yes. Paper 11, April 19th
8 2024.
9 THE COURT: And this is the 263 case?
10 MR. FULGHUM: Correct.
11 THE COURT: Just one minute, please. PTAB
12 is very slow today.
13 MR. FULGHUM: That's fine. Your Honors,
14 the statement, the predicate statement of the director
15 is in the middle of page 3 of the director review
16 decision and it begins with, under these circumstances.
17 THE COURT: This is paper 11?
18 MR. FULGHUM: Paper 11. I'll draw your
19 attention to the bottom of page 3.
20 THE COURT: Yes.
21 MR. FULGHUM: Okay. I'll read it into the
22 record.
23 We note however, that this denial is
24 without prejudice and Patent Owner may request
25 authorization to file a motion for additional discovery

1 that generally complies with authorizations previously
2 approved by the director.
3 I'll also draw the attention to the middle
4 of page 4 under the Order heading. This panel writes,
5 further ordered that Patent Owner may, if it so chooses,
6 contact the board to request authorization to file a
7 different motion for additional discovery as discussed
8 above.
9 Patent Owner never did that. Patent owner
10 never --
11 THE COURT: Okay. Thank you very much. I
12 just want to clarify that the material you just read
13 into the record and what we'll call the second wave
14 cases, there's no similar language in the first wave
15 cases that were the subject of the director's decision.
16 MR. FULGHUM: That is correct, Your Honors.
17 THE COURT: Okay. I would like to pause
18 for a moment while the panel confers privately. And
19 then I'll come back on the line. So please standby. It
20 may be a few minutes.
21 (Whereupon, there was a discussion held off
22 the record.)
23 THE COURT: Hello. This is Judge Obermann
24 again and I have the rest of the panel
25 with me. Do we still have counsel for

1 Semiconductor, Mr. Fulghum?
2 MR. FULGHUM: Yes, Your Honors.
3 THE COURT: Okay. Thank you.
4 Do we have Mr. Griswold?
5 MR. GRISWOLD: Yes, Your Honors.
6 THE COURT: Thank you. And Mr. Whitehurst?
7 MR. WHITEHURST: Yes, Your Honor.
8 THE COURT: Before the panel rules we would
9 like to give Patent Owner an opportunity to respond to
10 Petitioner's last arguments about the difference between
11 the discovery issue here and the discovery issue in the
12 first wave cases.
13 Mr. Whitehurst.
14 MR. WHITEHURST: Yes. Yes, Your Honors.
15 We believe it was improper to deny the discovery in both
16 what we sometimes refer to as the wave one IPR's as well
17 as the wave two IPR's.
18 My understanding we served the same
19 discovery in both cases and under the director -- the
20 directors decision it expressly says while Patent
21 Owner's requested discovery was broad it was not
22 harassing under -- harassing or abusive. Under these
23 circumstances the board either should've allowed
24 whatever narrower discovery was appropriate or made it
25 clear that Patent Owner could amend or resubmit its

1 discovery motions.
2 Under the current circumstances in this
3 director reviewed decision we would renew our
4 authorization for a discovery and I am prepared to read
5 that into the record as I was going to do earlier. If
6 it would assist the panel I can read that in at this
7 time.
8 THE COURT: I'm confused. What is it that
9 you're requesting permission to read into the record?
10 MR. WHITEHURST: The renewed request for
11 discovery in the second set of IPRs that are currently
12 set to be argued next Tuesday May 6th.
13 THE COURT: We issued no order on April 19,
14 2024, paper 11 in the second wave cases where we
15 instructed you to contact the board to request
16 authorization to file a different motion for additional
17 discovery as discussed above, and you didn't do that.
18 MR. WHITEHURST: We disagree. We believe
19 the denial was an abusive discretion under the
20 director's current decision that it was neither
21 harassing or abusive.
22 THE COURT: Okay. Please hold on.
23 Petitioner, do you have a response to that?
24 MR. FULGHUM: Yes, I do. That response is
25 puzzling at best. A request with respect to discovery

1 in the second wave is overdue by any measure, long since
2 waived. I would encourage the panel, with respect to
3 expediency, to move forward on the 6th. A motion would
4 be denied with respect to this discovery because the
5 predicate is not satisfied.
6 I will also point out with regard to the
7 second and third issues in the director -- director's
8 decision, both of those issues are -- will be part of
9 the consideration at the hearing and so both of those
10 will in fact be considered. So in some there's no
11 reason in our review for the hearing not to go forward.
12 THE COURT: Okay. I'd like to pick your
13 brain a little further, Petitioner's counsel, just on
14 this idea that the intervening circumstance of
15 director's decision does not somehow renew an ability
16 for Patent Owner to revise a request for authorization
17 to file a different motion for additional discovery as
18 we had, you know, instructed on April 19th, 2024.
19 You mentioned that it's overdue but is
20 there any case law or board even
21 non-presidential/president that would apply here to say
22 that they're out of time?
23 MR. FULGHUM: Well certainly there's no
24 president that would ever suggest they're in time. We
25 are now just days away from the scheduled hearing and

1 every single possible date by which this could have been
2 suggested is long since done. Keep in mind, parties are
3 expected in these proceedings to manage their affairs
4 appropriately, to represent their clients effectively,
5 to seek discovery when it's appropriate, and everyone is
6 the master of his or her -- his or her own fate in these
7 regards. Doing nothing should not be rewarded. And
8 that's exactly what occurred here. Patent Owner did
9 nothing. And the only reason why perhaps the director
10 review was appropriate with regard to the first wave is
11 because there was not an explicit direction from this
12 panel telling the Patent Owner that you may of course
13 request post institution discovery upon making a proper
14 request.
15 Patent owner has never made a proper
16 request for discovery, ever. And to suggest that they
17 can do it now is entirely inappropriate, especially when
18 the director's entire reasoning stands upon the ground
19 that the panel did not provide an appropriate measure of
20 guidance that the Patent Owner could renew. In the
21 second wave that guidance was provided. There's no
22 doubt about it and to say that, well we should allow
23 this to move forward rewards Patent Owner for doing
24 absolutely nothing and inflicts serious prejudice on
25 petitioner who abided by the rules in this proceeding.

1 THE COURT: Thank you, Mr. Fulghum. I'm
2 going to put everyone on pause for just one more minute
3 so the panel can --
4 MR. WHITEHURST: Excuse me.
5 THE COURT: Yes?
6 MR. WHITEHURST: Your Honor, would you
7 permit me to respond to that, please?
8 THE COURT: Sure.
9 MR. WHITEHURST: Your Honor, we do view
10 this director review decision as a game changer. I
11 think the message here is loud and clear that discovery
12 should be allowed. I take offense that we did nothing
13 when it was Petitioner's burden to produce evidence on
14 this issue. We went at it with an email to Mr. Fulghum.
15 He refused to get it back to us on this issue. We filed
16 a non-harassing, non-abusive discovery requests timely
17 to obtain this information. It was denied. We already
18 have direction from the director that was not an
19 improper. And to answer your earlier question, when you
20 look at the Patent Owner response in 1242 and all the
21 other IPRs we discussed in detail on pages 48 and 50 why
22 it was Petitioner's burden not Patent Owner's burden to
23 prove this point. So when they say that we stood back
24 and did nothing it was not us that did nothing. We did
25 not have the burden on this issue. It was them that,

1 you know, wasted a lot of our time, refused to provide
2 this information when we asked it, and it would -- just
3 like it was improper to deny the discovery in the 1242,
4 43 and 44 IPR's. It would be improper to deny it in the
5 other IPR's as well and only prolong this even longer
6 than it already has.
7 THE COURT: Okay. Thank you.
8 MR. FULGHUM: Your Honor --
9 THE COURT: Yes.
10 MR. FULGHUM: Your Honor, this is Roger
11 Fulghum for Petitioner. Merely serving discovery that
12 is quote "not harassing" is not the standard. Abiding
13 by the rules should be the standard by which we are all
14 judged.
15 Also, the offhand suggestion that I did not
16 timely get back to Greenthread at some point in the past
17 is categorically false and should be disregarded. I'll
18 end my comments there.
19 THE COURT: Okay. When you say it's
20 "categorically false" you did not receive an email to
21 that effect?
22 MR. FULGHUM: I received an email and the
23 suggestion was that I did not get back to them in a
24 timely way, that is false.
25 THE COURT: Okay. Anything else from

1 patent owner?
2 MR. WHITEHURST: Just be clear we were
3 requesting the indemnifications, the actual evidence on
4 this point and that's what Petitioners never got back to
5 us on.
6 THE COURT: But you did not renew your
7 request as you were instructed on April 19th.
8 MR. WHITEHURST: We believe that the
9 original request was proper and whether we renewed it or
10 not is not the issue before the panel at this time.
11 It's whether it was proper in the first place and if
12 there's any question on this point the safest and most
13 prudent approach is to allow discovery on this issue so
14 we can present to the panel a full record just like
15 they've already asked us to do for the earliest three
16 IPRs.
17 THE COURT: Okay. Thank you. I think
18 we've heard enough. I'm going to put everyone on hold
19 for a few minutes, and then I'll be back. Please
20 standby.
21 (Whereupon, there was a discussion held off
22 the record.)
23 THE COURT: Good afternoon. This is Judge
24 Obermann again and I have the panel on the phone with
25 me. Do we still have Mr. Fulghum for Semiconductor?

1 MR. FULGHUM: Yes, Your Honors.
2 THE COURT: Do we still have Mr. Griswold
3 for Texas Instruments?
4 MR. GRISWOLD: Yes, Your Honors.
5 THE COURT: Do we still have Mr. Green -- I
6 mean Mr. Whitehurst for Greenwood?
7 MR. WHITEHURST: Yes, Your Honors.
8 THE COURT: Okay. I would like to remind
9 Petitioner's counsel to please file the transcripts of
10 this call when you're ready -- when they're ready.
11 The panel has conferred and we agreed with
12 petitioner's counsel that on April 19th, 2024, on paper
13 11, the board provided Patent Owner full opportunity to
14 renew the request for more limited discovery. They did
15 not do so and it's a waiver. And we're going to have a
16 forward -- we are going to have -- I'm sorry, that was
17 in IPR -- I'm sorry, one of my panel -- one of my
18 co-panelist has just texted me something. I want to
19 make sure it didn't misspeak.
20 Sorry about that. We are going to go
21 forward with the hearing on May 6th and we are not going
22 to entertain at this late time a renewed request for
23 discovery for the reasons stated by Petitioner's counsel
24 after the last break. And that will be in the record
25 there will be no order.

1 With that in mind we'll see you on May 6th.
2 Any -- since you have the panel on the call right now do
3 we have any other matters other than these that need to
4 be discussed prior to the hearing on May 6th?
5 I'll start with Petitioner's counsel.
6 MR. FULGHUM: No issues for May 6th from
7 Petitioner's counsel, Your Honor.
8 THE COURT: Okay. Thank you.
9 Anything from Patent Owner?
10 MR. WHITEHURST: Your Honors, no questions
11 regarding the May 6th IPRs. But just for clarification,
12 will we be discussing the discovery and briefing for the
13 earlier three IPR's that began with 1242.
14 THE COURT: Oh, yes. That will be -- we
15 need to discuss that. Thank you for bringing that up.
16 Right now the board still has jurisdiction
17 but Petitioner, are you still planning to file a request
18 for rehearing on May 8th?
19 MR. FULGHUM: Yes, Your Honor. We're going
20 to file that as quickly as we can. Our due date is
21 May 8th. It is in process, we are working on it
22 expeditiously. We would suggest that -- that the panel
23 not waive into the issue of the appropriate scope of
24 discovery until that petition for rehearing has been
25 denied.

1 THE COURT: I think that the panel is on
2 board with that. Because there's no reason that you
3 should have to turn over discovery during the tendency
4 of the hearing request in the event that he gets
5 granted. You'll have turned over discovery that they're
6 really not entitled to. So I think we're on board with
7 that but let's hear from -- unless you have something
8 else to say, Petitioner.
9 MR. FULGHUM: Right, just on that point, we
10 think that the remainder of this call can be tabled.
11 And we will file petition for rehearing. We expect that
12 the director will review it quickly. And then we can
13 quickly reconvene as to the scope of discovery and I'm
14 confident that a July 1 deadline can be met on that
15 schedule. And that's currently where we stand.
16 THE COURT: Okay. Well, yes, that's -- the
17 first wave doesn't really have a schedule right now
18 because there's no statutory due date for remanded final
19 written decisions. But we do try to get them out
20 expeditiously.
21 So we will entertain, you know, we'll think
22 about that. We'll see how long it takes for the
23 director to review your request and we'll be looking to
24 see that you file a timely request for a hearing by
25 May 8th.

Anything from Patent Owner on that point?

MR. WHITEHURST: Your Honors, no objection here. We defer to the panel how they best see fit to handle that.

THE COURT: Okay. Thank you so much counsel.

I will just say that at one point I referred to Greenwood instead of Greenthread. So for the court reporter that was in error.

Thank you, counsel. We appreciate your time today. And once again there will be no order filed in these cases. The transcript will be the record of the panel's decision. I think it makes sense to file it in both the first wave cases and in the second wave cases since we did discuss both today.

Thank you, very much counsel the conference call is adjourned.

(Off the record at 12:56 p.m.)

THE STATE OF TEXAS)
COUNTY OF DALLAS)

I, SARA HALFACRE, Court Reporter in and for the State of Texas, do hereby certify that the foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the Reporter's Record, in the above-styled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

I further certify that this Reporter's Record of the proceedings truly and correctly reflects the exhibits, if any, admitted, tendered in an offer of proof or offered into evidence.

I further certify that the total cost for the preparation of this Reporter's Record is $_____ and was paid by _____.

WITNESS MY OFFICIAL HAND this the 7th day of May, 2025.

Sara Halfacre
_____
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Texas CSR 12269
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