UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MONOLITHIC POWER SYSTEMS, INC.,
Petitioner,

v.

GREENTHREAD, LLC,
Patent Owner.

IPR2024-00469
U.S. Patent No. 9,190,502

PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE PURSUANT TO 37 C.F.R. § 42.64

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(c), the Board's Scheduling Order (Paper 25, 10), and the Federal Rules of Evidence, Patent Owner Greenthread, LLC ("Patent Owner") hereby moves to exclude Exhibit 1059 submitted by Petitioner Monolithic Power Systems, Inc. ("Petitioner") with its Reply (Paper 42), to which Patent Owner timely objected (Paper 43).

II. EXHIBIT 1059 SHOULD BE EXCLUDED

Exhibit 1059, titled "Understanding the *p-n* Junction," should be excluded because it is irrelevant and lacks proper authentication. Exhibit 1059 appears to be a digital scan of a textbook with an appended slide presentation (beginning at page 13 of the exhibit).

First, Exhibit 1059 is irrelevant under FRE 401 and 403, since there is ***zero*** evidence on the face of the document to determine whether it was published or publicly accessible before the critical date of the Challenged Patent. There is no date found in either the textbook or the slide presentation portion of the PDF. Petitioner has not identified any evidence sufficient to establish a reasonable likelihood that the reference was publicly accessible before the critical date and is thus relevant to the dispute concerning the Challenged Patent. *Cf. Hulu, LLC v. Sound View Innovations, LLC*, IPR2018-01039, Paper 29 at 13 (PTAB Dec. 20, 2019) (precedential). Nor can Petitioner rely on the Copyright notice affixed on the bottom

of PDF pages 1-12, since "[a] copyright notice, without additional evidence, is *not* sufficient to establish that a document was sufficiently accessible to the public interested in the relevant technology before the critical date." *Fanduel, Inc. v. CG Tech. Dev., LLC*, IPR2017-00902, Paper 45 at 71 (PTAB Oct. 4, 2018) (citing *In re Lister*, 583 F.3d 1307, 1311-17 (Fed. Cir. 2009)). A copyright notice "is not probative" that the document was ever published or publicly accessible. *TRW Automotive U.S. LLC v. Magna Elecs. Inc.*, IPR2014-01348, Paper 25 at 9 (PTAB Jan. 15, 2016); *see also Stryker Corp. v. Karl Storz Endoscopy-Am., Inc.*, IPR2015-00677 (PTAB Sept. 2, 2025).

Second, Petitioner has not offered any evidence sufficient to support a finding that the exhibit (and the pages cited in its Reply) is what Petitioner claims it is under FRE 901. Furthermore, the slide presentation beginning at page 13 of the exhibit does not even appear to be from the same source document as the excerpted textbook on pages 1-12. There is nothing demonstrating that these two seemingly disparate documents are part of the same original source or that such a source is authenticated. Petitioner has not submitted any sort of supporting declaration authenticating this document, nor is the document self-authenticating under FRE 902.

III. CONCLUSION

For at least the foregoing reasons, the Board should exclude Exhibit 1059.

Dated: April 25, 2025

Respectfully submitted,

/Alan Whitehurst/

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of this **PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE** has been served on Petitioner via email on the following counsel of record for Petitioner:

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Dated: April 25, 2025

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