From:	Bombach, Miguel J. (Perkins Coie)
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Cc:	Greenthread-Monolithic-MS
Subject:	RE: Monolithic Power Systems, Inc. v. Greenthread LLC (IPR2024-00468, -00469, -00470)
Date:	Wednesday, February 21, 2024 3:04:44 PM
Attachments:	image001.png image003.png image004.png

Counsel,

MPS properly listed the RPIs, which do not include Intel, Sony, Dell, or Samsung and opposes your requests for additional discovery or to otherwise withdraw/amend its petitions to add Intel, Sony, Dell, or Samsung.

As you are aware, discovery in PTAB proceedings is limited and reserved for special circumstances when warranted. *See, e.g., Semiconductor Component Industries, LLC, v. Greenthread, LLC*, IPR2023-01242-44 (Paper 31, 30, 31, respectively) at 4 (citing *Google LLC v. CyWee Group Ltd*., IPR2018-01258, Paper 30 at 8 (PTAB June 20, 2019).) The PTAB has already determined special circumstances do not exist under these circumstances—a near-identical Patent Owner request has already been wholly rejected by the Board as speculative because, at most, Patent Owner is alleging a standard customer-type relationship (*id.* at 10) with nothing that would indicate an agency-type relationship (*id.* at 12). You lack a basis to request additional discovery.

Thanks,
Miguel

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Cc: Greenthread-Monolithic-MS <Greenthread-Monolithic-MS@mckoolsmith.com>
Subject: Monolithic Power Systems, Inc. v. Greenthread LLC (IPR2024-00468, -00469, -00470)

Counsel,

Petitioner in the above-captioned matters has the burden of identifying all real parties in interest (RPIs) in the petitions 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 The petitions should be withdrawn because they do not to meet these requirements.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 Dell were served with complaints alleging infringement of Greenthread's patents at issue. Sony was an RPI of Dell. Samsung was served with a complaint alleging infringement of the '195 patent more than one year ago. As the attached documents indicate, petitioner is a supplier to at least Intel and Sony. Therefore, petitioner may be operating, in part, under Greenthread's licenses to Intel, Samsung, and/or Sony. Accordingly, petitioner is in privity with at least one of Intel, Dell, Samsung, and/or Sony (or they are RPIs) and the petitions are time barred.

If petitioner does not withdraw its petitions, then petitioner should produce:

1. All agreements with Intel, Sony, Dell, or Samsung relating to transistor products sold to or made for them or the prior litigations.
2. All communications with these Intel, Sony, Dell, or Samsung relating to such products or the prior litigations.

Further, petitioner 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, petitioner should (1) withdraw its 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 petitioner 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").

Regards,
Neil Ozarkar
Counsel for Patent Owner Greenthread LLC

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