**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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MONOLITHIC POWER SYSTEMS, INC.
Petitioner,
v.

GREENTHREAD, LLC,
Patent Owner.

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IPR2024-00553
U.S. Patent No. 11,316,014

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# PATENT OWNER'S REPLY IN SUPPORT OF ITS MOTION FOR ADDITIONAL DISCOVERY

# EXHIBIT LIST

| Exhibit No. | Description | Submitted Previously? |
|---|---|---|
| Ex. 2001 | *Greenthread, LLC v. Intel Corp.*, No. 6:22-cv-00105-ADA, Dkt. 1 (Complaint) (W.D. Tex. Jan. 27, 2022) | X |
| Ex. 2002 | [RESERVED] | |
| Ex. 2003 | *Greenthread, LLC v. Intel Corp.*, 6:22-cv-00105-ADA, Dkt. 38 (First Amended Complaint for Patent Infringement) (W.D. Tex., filed Apr. 29, 2022) | X |
| Ex. 2004 | *Greenthread, LLC v. Intel Corp.*, No. 6:22-cv-00105-ADA, Dkt. 113 (Redacted Memorandum Opinion and Order) (W.D. Tex. Dec. 27, 2022) | X |
| Ex. 2005 | *Greenthread, LLC v. Intel Corp.*, 6:22-cv-00105-ADA, Dkt. 38-8 (Greenthread's Amended Preliminary Infringement Contentions) (W.D. Tex., filed Apr. 29, 2022) | X |
| Ex. 2006 | *Greenthread, LLC v. Intel Corp.*, 6:22-cv-00105-ADA, Dkt. 38-12 (Exs. D-1, D-2, D-3, D-6 to Greenthread's Preliminary Infringement Contentions) (W.D. Tex., filed Apr. 29, 2022) | X |
| Ex. 2007 | *Greenthread, LLC v. Intel Corp.*, 6:22-cv-00105-ADA, Dkt. 49 (Notice of Appearance of Additional Counsel) (W.D. Tex., filed June 9, 2022) | X |
| Ex. 2008 | Petition (Paper 1) in *Sony Group Corp. v. Greenthread, LLC*, IPR2023-00376 | X |

| Exhibit No. | Description | Submitted Previously? |
|---|---|---|
| Ex. 2009 | *Greenthread, LLC v. Dell Inc.*, No. 6:22-cv-105-ADA, Dkt. 120 (Second Amended Complaint) | X |
| Ex. 2010 | *Greenthread, LLC v. Intel Corp.*, 6:22-cv-00105-ADA, Dkt. 135 (Motion for Admission Pro Hac Vice of L. Popovski on Behalf of Sony) (W.D. Tex., filed January 30, 2023) | X |
| Ex. 2011 | [SEALED] Confidential agreement | X |
| Ex. 2012 | [SEALED] Confidential declaration | X |
| Ex. 2013 | February 5, 2024 Neil Ozarkar email to the counsel regarding IPR2014-00468, -00469, -00470 | X |
| Ex. 2014 | February 21, 2024 Miguel Bombach email to counsel regarding IPR2014-00468, -00469, -00470 | X |
| Ex. 2015 | May 10, 2024 Neil Ozarkar email to the Board regarding IPR2014-00550, -00551, -00552, -00553 | X |
| Ex. 2016 | Greenthread's December 13, 2023 Preliminary Infringement Contentions to Monolithic | X |
| Ex. 2017 | Monolithic Power Systems, Inc., Investor/Analyst Day 2018 Presentation | X |
| Ex. 2018 | Monolithic Power Systemts, Inc. Q2 2021 Earnings Call Transcript | X |
| Ex. 2019 | Monolithic Power Systems, Inc. Data Sheet MP2953B Intel VR12.5 Compliant Controller | X |
| Ex. 2020 | Monolithic Power Systems, Inc. LinkedIn post regarding Sony PlayStation 5 | X |

| Exhibit No. | Description | Submitted Previously? |
|---|---|---|
| Ex. 2021 | May 2, 2015 Investor's Business Daily, "Sony PlayStation 4 Chipmaker Monolithic Power Systems Tops Q1 Views" | X |
| Ex. 2022 | Monolithic Power Systems, Inc. 2023 Form 10-K | X |

Petitioner's opposition all but admits that it actively coordinated the instant Petition with parties who collectively have filed twenty-eight IPRs against Greenthread's patents. First, MPS says that it "did not coordinate with the other petitioners *on the timing of their petitions* …." Paper 9 at 11 (emphasis added). MPS does not deny that it "coordinate[d] with other petitioners on the" *substance* of its IPRs. *Id.* The closest it comes is to say that it developed its grounds "on its own," but that does not mean it had no input from the other petitioners or that MPS filing on different grounds (even without input) was not part of a coordinated strategy. *Id.* Second, Petitioner states that it does not have a relationship with its "direct competitors" with respect to its own "accused products," but it does not go so far as to say that it has no relationship with other petitioners with respect to the challenged Greenthread patents. *Id.* at 2. And that is because it cannot—there are clear indications that Petitioner has significant relationships with other petitioners with respect to the challenged Greenthread patents, and PO should be granted its additional targeted discovery to be able to investigate that.

MPS repeatedly emphasizes that other petitioners are its "direct competitors," but that just underscores the extraordinary nature of its cooperation with other petitioners. *Id.* at 2, 6. MPS and its "direct competitors" have shared what they regard as the most sensitive trade secrets in their industry with each other in their attempt to invalidate Greenthread's patents. Paper 7 (PO's Motion for Additional

Discovery), 7-8 (explaining that the different petitioners shared AEO materials—including sensitive process information goverened by soure-code-like confidentiality provisions—in preparing invalidity contentions against Greenthread's challenged patents). MPS is not merely watching public filings in Greenthread's litigation, it is giving and receiving the information it and its "direct competitors" would be most loathe to share with each other. MPS's claim that Greenthread "fails to identify any evidence of … coordination" ignores this obvious and compelling evidence. MPS has no credible way to distinguish the *General Plastic* factors that should apply.

Further, each of Petitioner's cited cases attempting to distance *General Plastic* is distinguishable. Petitioner's Response to PO's Motion for Additional Discovery, Paper 9, 6-7. In discussing *Ford Motor Co. v. Neo Wireless LLC*, Petitioner omits that Director Review decision stated that no "significant relationship" exists where competing parties "***merely*** engage in ***court-ordered pretrial coordination***." No. IPR2023-00763, 2024 WL 1406441, at *4 (Vidal Mar. 22, 2024) (emphasis added). Petitioner's attempt to contrive a blanket statement against the PTAB ever finding a "significant relationship" between any competing parties with different accused products is not consistent with the *Ford* Director Review decision. And PO's position with respect to Petitioner and other parties that have filed IPRs against Greenthread is not that they have a relationship because they were ordered into joint

pretrial coordination, but rather they have a "significant relationship" because of the indications discussed above.

In *Google Inc. v. Uniloc 2017*, the PTAB found that "the existence of a previous petition" that had been terminated and was not co-pending does not necessarily create a significant relationship between the first and second petitioner. IPR2020-00396, Paper 11 at 10-11 (PTAB Aug. 3, 2020). The PTAB specifically contrasted *Valve* by highlighting that "[r]ather, Valve involved two petitioners similarly situated as co-defendants accused of infringing the same patent, and, therefore, had a significant relationship." *Google*, Paper 11 at 11. Like *Valve*, and as recognized by *Google*, here MPS is "similarly situated" as a co-defendant with other petitioners, and is accused of infringing the same patents as other petitioners. Also, here, Petitioner is the third petitioner in the list of petitions that have been filed against PO's patents.[1] Rather than being circumstances similar to those for which

[1] The currently pending IPR petitions (including the instant IPR) filed against Greenthread's patents include: IPR2023-01242, IPR2023-01243, IPR2023-01244, IPR2024-00016, IPR2024-00001, IPR2024-00017, IPR2024-00018, IPR2024-00019, IPR2024-00020, IPR2024-00021, IPR2024-00263, IPR2024-00264, IPR2024-00265, IPR2024-00266, IPR2024-00468, IPR2024-00469, IPR2024-

the Board granted institution in *Google*, the circumstances here are closer to being the "multiple instituted proceedings ongoing to challenge the patent" where institution was denied, as analyzed by the Board in *Google*. *Google*, Paper 11 at 10.

In the *Toshiba* case cited by Petitioner, patent owner had no "evidence of cooperation" by the petitioners, unlike the suggestions in support of the additional discovery explained above. *Toshiba Am. Info. Sys. v. Walletex Microelectronics Ltd.*, IPR2018-01538, Paper 11 at 22 (PTAB Mar. 5, 2019). And in *Videndum Prod. Sols., Inc. v. Rotolight Ltd.*, IPR2023-01218, Paper 12 at 5-6 (Vidal Apr. 19, 2024), the decision merely highlights that a significant relationship is required to be shown before institution is denied..

Each of Petitioner's cited cases attempting to disguish *General Plastic* is distingsuihed above. Further, additional targeted discovery is warranted here for the reasons explained above and in its motion for additional discovery (Paper 7). Therefore, the Board should grant the requested discovery.

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00470, IPR2024-00672, IPR2024-00673, IPR2024-00674, IPR2024-00550, IPR2024-00551, IPR2024-00552, IPR2024-00553, IPR2024-00771, IPR2024-00772, IPR2024-00773, IPR2024-00774

Dated: July 3, 2024

Respectfully submitted,

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## CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of this **PATENT OWNER'S REPLY IN SUPPORT OF ITS MOTION FOR ADDITIONAL DISCOVERY** has been served on Petitioner via email on the following counsel of record for Petitioner:

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