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**Cc:** Rebecca_Jahnke@txwd.uscourts.gov; kmdaviscsr@yahoo.com
**Subject:** Greenthread, LLC v. Intel Corporation et al (6:22-cv-00105-ADA)
**Date:** Wednesday, December 21, 2022 1:39:20 PM

**EXTERNAL SENDER – Proceed with caution**

Counsel,

The Court provides the following preliminary constructions in advance of tomorrow's Markman hearing. The purpose of preliminary constructions is to streamline the hearing by providing the parties an indication of the Court's current position for each term. Although the parties are, of course, free to argue for their originally proposed construction, it is generally unlikely that the Court will select a party's originally proposed construction over the preliminary construction. As such, the Court believes that making arguments to fine-tune the preliminary construction may be more helpful. The preliminary constructions are not final as the Court may change some those constructions based on the arguments at the hearing.

Of the below terms, please let me know what terms each side would like to argue at least an hour before the hearing. Each side may email their list separately (but please CC the other side) or jointly (please indicate which side, or both, wants to argue each term). To the extent a junior attorney will be arguing a term, please let me know which term(s) the junior attorney will be arguing.

Also, at least an hour before the hearing, please submit any slides the parties (and CC the other side) wish to use at the Markman hearing.

The information for the Zoom hearing is as follows:

https://txwd-uscourts.zoomgov.com/j/1613131172?pwd=ek9WOFZLeHZXalNYVmFOdkJabDJoQT09

Meeting ID: 161 313 1172
Passcode: 167817

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If you have any questions, please let me know. Thanks.

-Josh

P.S. To assist the court reporter (Kristie Davis, CC-ed), please email her a copy of your slides as soon as possible (it's okay if it's just a draft). When you email her, no need to CC the other side or the Court as it is purely to help her generate the transcript as quickly as possible.

| Term | Plaintiff's Proposed Construction | Defendants' Proposed Construction | Court's Preliminary Construction |
|---|---|---|---|
| #1A: "surface layer" and related terms:<br><br>#1B" "an active region . . . disposed on one surface of said surface layer"<br><br>#1C" "a single drift layer disposed between the other surface of said surface layer and [said/the] substrate"<br><br>U.S. Patent No. 8,421,195, Claim 1; U.S. Patent No. 9,190,502, Claim 7; U.S. Patent No. 11,121,222, Claim 44<br><br>Proposed by Defendant | Plain and ordinary meaning, where the plain and ordinary meaning is "a layer at the surface" | Indefinite | Not indefinite. Plain-and-ordinary meaning. |
| #2 "substrate"<br><br>U.S. Patent No. 8,421,195, Claim 1; U.S. Patent No. 9,190,502, Claim 7; U.S. Patent No. 10,510,842, Claims 1, 9; U.S. Patent No. 10,734,481, Claims 1, 20; U.S. Patent No. 11,121,222, Claims 1, 21, 39, 41, 42, 44; U.S. Patent No. 11,316,014, Claims 1, 21<br><br>Proposed by Defendant | Plain and ordinary meaning, where the plain and ordinary meaning is an "underlying layer" | "the initial material within which or on which the semiconductor device is fabricated" | Plain-and-ordinary meaning |

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| #3: "active region"<br><br>U.S. Patent No. 8,421,195, Claim 1; U.S. Patent No. 9,190,502, Claim 7; U.S. Patent No. 10,510,842, Claims 1, 9; U.S. Patent No. 10,734,481, Claims 1, 20; U.S. Patent No. 11,121,222, Claims 1, 21, 39, 41, 42, 44; U.S. Patent No. 11,316,014, Claims 1, 21<br><br>Proposed by Defendant | Plain and ordinary meaning | "Region that forms the current path of a device" or "the source, drain and channel region of a device" | Plain and ordinary meaning |
| #4A: "said [drift layer further/well region …] having a [first/second] static unidirectional electric drift field"<br><br>#4B: "said [drift layer further/well region] having a graded concentration of dopants generating a [first/second] static unidirectional electric drift field"<br><br>U.S. Patent No. 8,421,195, Claim 1; U.S. Patent No. 9,190,502, Claim 7; U.S. Patent No. 11,121,222, Claim 44<br><br>Proposed by Defendant | Plain and ordinary meaning | "said [drift layer further/well region …] having a [first/second] static electric drift field that is unidirectional over the [drift layer/well region"<br><br>"said [drift layer further/well region] having a graded concentration of dopants generating a [first/second] static electric drift field that is unidirectional over the [drift layer/well region]" | Plain-and-ordinary meaning |
| #5A: "to aid the movement of minority carriers from ... to…"<br><br>#5B: "to aid carrier movement from ... [to/towards]" | Plain and ordinary meaning | Indefinite.<br><br>Alternative construction: "to sweep the minority carriers from … to …"<br><br>Indefinite. | Not indefinite. Plain-and-ordinary meaning. |

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|---|---|---|---|
| U.S. Patent No. 8,421,195, Claim 1; U.S. Patent No. 9,190,502, Claim 7; U.S. Patent No. 10,510,842, Claims 1, 9; U.S. Patent No. 10,734,481, Claims 1, 20; U.S. Patent No. 11,121,222, Claims 1, 21, 39, 41, 42, 44; U.S. Patent No. 11,316,014, Claims 1, 21<br><br>Proposed by Defendant | | Alternative construction: "to sweep the carriers from … [to/towards] …" | |
| #6: "well region"<br><br>U.S. Patent No. 8,421,195, Claim 1; U.S. Patent No. 9,190,502, Claim 7; U.S. Patent No. 10,510,842, Claims 1, 9; U.S. Patent No. 10,734,481, Claims 1, 20; U.S. Patent No. 11,121,222, Claims 1, 21, 39, 41, 42, 44; U.S. Patent No. 11,316,014, Claims 1, 21<br><br>Proposed by Defendant | Plain and ordinary meaning, where portions of a well are not well regions. | "A well, whether formed by single or multiple implants. Portions of a well are not well regions." | Plain and ordinary meaning[1]<br><br>[1] – Note not for the jury: portions of a well are not well regions. |
| #7: "active region … within which transistors can be formed"<br><br>U.S. Patent No. 10,510,842, Claims 1, 9; U.S. Patent No. 10,734,481, Claims 1, 20; U.S. Patent No. 11,121,222, Claims 1, 21, 39, 41, 42; U.S. Patent No. 11,316,014, Claims 1, 21<br><br>Proposed by Defendant | Plain and ordinary meaning | Indefinite | Not indefinite. Plain-and-ordinary meaning |

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