Pluta, Robert G.

From: Trials <Trials@USPTO.GOV>
Sent: Monday, August 25, 2025 3:06 PM
To: Jay, Michael; Trials
Cc: Heintz, James M.; Minutoli, Gianni; Siddiqui, Saqib; Bonner, Amanda Streff; Pluta, Robert G.; Ellison, Martin
Subject: RE: IPR2024-00828

CAUTION: **External Email -** Only click on contents you know are safe.

Counsel,

Patent Owner is authorized to make an offer of proof in writing on, or before, Tuesday, September 2, 2025. Patent Owner's filing shall be limited to no more than 15 pages, not including an appendix of exhibits. In its filing, Patent Owner shall address why the offer of proof is proper and timely under the law and regulations applicable to this proceeding. Petitioner is authorized to file a response to the offer of proof within ten (10) days of its filing limited to 15 pages, not including an appendix of exhibits.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Jay, Michael <Michael.Jay@us.dlapiper.com>
Sent: Monday, August 25, 2025 12:05 PM
To: Trials <Trials@USPTO.GOV>
Cc: Heintz, James M. <Jim.Heintz@us.dlapiper.com>; Minutoli, Gianni <gianni.minutoli@us.dlapiper.com>; Siddiqui, Saqib <SSiddiqui@mayerbrown.com>; Bonner, Amanda Streff <ASBonner@mayerbrown.com>; Pluta, Robert G. <RPluta@mayerbrown.com>; Ellison, Martin <Martin.Ellison@us.dlapiper.com>
Subject: RE: IPR2024-00828

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Board,

We write further to Mr. Pluta's email dated 8/22/25 in the above-referenced IPR. While Samsung is aware of the Board's preference for a single email, the actions of Maxell's counsel have necessitated this second email.

Samsung conferred via email with Maxell regarding Maxell's request and told Maxell that (1) Maxell's email should not state that the Board previously said that briefing would be authorized, but only that Board indicated that it may

be authorized, and (2), more importantly, that the email should include Petitioner's request that if Maxell is allowed to submit any materials showing allegedly inconsistent statements by Samsung's expert, Samsung should be authorized to do the same with respect to Maxell's expert. Maxell unilaterally rejected both requests and then sent his email to the Board one minute later without giving Samsung any chance to respond. Maxell's counsel rejected the first request because it disagreed with what the Board previously stated regarding the briefing, and rejected the second request on the basis that it was "inappropriate and goes beyond anything previously requested by Samsung." Even if Maxell were correct on either issue (it was not), this refusal to accurately reflect Samsung's stated position is improper, particularly with respect to the second issue.

Moreover, both of Maxell's positions are incorrect. The hearing transcript will demonstrate Maxell's error on the first issue. Maxell's position on the second issue is clearly incorrect because Samsung previously made this request as stated in the email sent to the Board by Mr. Pluta himself on June 5, 2025: "Further, to the extent that Patent Owner is authorized to file any public trial transcripts as identified above in any IPR, Petitioner respectfully requests that Patent Owner be required or Petitioner be authorized to file the public transcripts for the entire proceeding pertaining to the subject matter of that IPR so that Patent Owner's testimony and arguments are also in the record."

While attachments are not permitted on these email communications with the Boad, Samsung can produce copies of the above-referenced email exchanges should the Board so desire.

Samsung continues to oppose Maxell's requested relief, but in the alternative, to the extent that any briefing or submission is authorized with respect to Maxell's request, Samsung renews its request that it be allowed to do the same with respect to Maxell's expert and litigation positions.

Respectfully submitted,
Michael Jay

Michael Jay
Partner

T +1 310 595 3140
F +1 310 595 3315
M +1 310 487 9250
michael.jay@us.dlapiper.com

DLA Piper LLP (US)
dlapiper.com

From: Pluta, Robert G. <RPluta@mayerbrown.com>
Sent: Friday, August 22, 2025 3:10 PM
To: Trials <Trials@USPTO.GOV>
Cc: Heintz, James M. <Jim.Heintz@us.dlapiper.com>; Minutoli, Gianni <gianni.minutoli@us.dlapiper.com>; Jay, Michael <Michael.Jay@us.dlapiper.com>; Siddiqui, Saqib <SSiddiqui@mayerbrown.com>; Bonner, Amanda Streff <ASBonner@mayerbrown.com>
Subject: IPR2024-00828

EXTERNAL MESSAGE

Dear Board,

During last week's hearing in IPR2024-00828, Patent Owner raised making an offer of proof pursuant to FRE 103(a). The Board indicated that briefing on the issue would be

forthcoming setting forth a briefing schedule on that issue, or whether the parties should submit a proposed briefing schedule? Petitioners continue to oppose Patent Owner's request for further briefing.

Respectfully submitted,

Rob Pluta
Counsel for Maxell, Ltd.

Robert G. Pluta
Partner
Mayer Brown LLP
71 South Wacker Drive
Chicago, IL 60606 United States of America
T +1 312 701 8641 | M +1 312 451 8200
LinkedIn | Twitter
mayerbrown.com

This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

Mayer Brown is a global legal services provider comprising an association of legal practices that are separate entities, including Mayer Brown LLP (Illinois, USA), Mayer Brown International LLP (England), Mayer Brown Hong Kong LLP (a Hong Kong limited liability partnership) and Tauil & Chequer Advogados (a Brazilian partnership).

Information about how we handle personal information and our use of relationship insight tools in conjunction with email is available in our Privacy Notice.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message. To contact us directly, send to postmaster@dlapiper.com. Thank you.