

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REED SEMICONDUCTOR CORP.,
Petitioner,

v.

MONOLITHIC POWER SYSTEMS, INC.,
Patent Owner.

Case No. IPR2024-01158

Patent No. 9,041,377

Before JEAN R. HOMERE, KARL D. EASTHOM, and KEN B. BARRETT,
Administrative Patent Judges.

**PETITIONER'S MOTION TO SUBMIT SUPPLEMENTAL
INFORMATION UNDER 37 C.F.R. § 42.123(B)**

TABLE OF AUTHORITIES

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Cases	
<i>Toshiba Corp. v. Macronix Int’l Co., Ltd.</i> , No. IPR2017-01864, Paper 20 (PTAB Aug. 27, 2018)	2
<i>Ultratec, Inc. v. CaptionCall, LLC</i> , 872 F.3d 1267 (Fed. Cir. 2017).....	2
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PETITIONER’S EXHIBIT LIST

<u>Exhibit</u>	<u>Description</u>
Proposed Exhibit 1 (PE1)	Excerpts from Expert Report of Joseph C. McAlexander III Regarding Infringement of U.S. Patent Numbers 9,041,377 and 9,590,608 ¹
Proposed Exhibit 2 (PE2)	Excerpts from Mr. McAlexander’s September 18, 2025 Deposition Testimony Regarding the ’377 Patent ²
Paper 5	Patent Owner’s Preliminary Response
Paper 23	Patent Owner’s Response

¹ This proposed exhibit contains confidential information of Petitioner. Petitioner hereby removes its confidentiality designation for the confidential information contained within this proposed exhibit.

² This proposed exhibit contains confidential information of Petitioner. Petitioner hereby removes its confidentiality designation for the confidential information contained within this proposed exhibit.

In the IPR proceedings, Patent Owner and its expert, Mr. McAlexander, have asserted as their central argument that intervening logic separates the flip-flop from the on-time generator and changes the signal output by the flip-flop into different logical signals such that it cannot be the claimed “control signal.” This directly contradicts Mr. McAlexander’s opinions in a parallel district court case. Petitioner seeks to supplement the record with these opinions of Mr. McAlexander from the district court case involving the same patent, same parties, same expert, and same issues as in this IPR. These opinions are important to enable the Board to fully evaluate Patent Owner’s positions and Mr. McAlexander’s credibility. Petitioner received authorization to file this Motion Under 37 C.F.R. § 42.123(b) on October 7, 2025 via electronic mail.

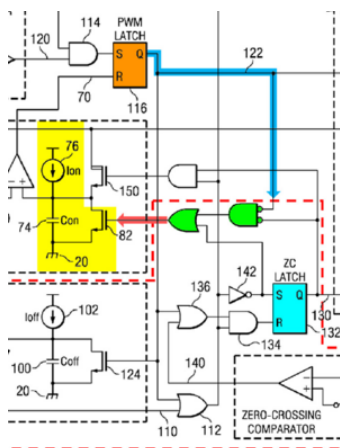
The testimony provided by Mr. McAlexander during his recent deposition (September 18, 2025) in *Monolithic Power Systems, Inc. v. Reed Semiconductor Corp.*, 1:24-cv-00165 JFM (DED), and the opinions that he has offered in that case, occurred after the Petition’s July 23, 2024 filing, and thus could not have been obtained earlier. *See* PE1; PE2. The testimony is highly relevant to the same issues pending in this IPR.

Under § 42.123(b), a party may file a motion to submit supplemental information where “the supplemental information reasonably could not have been obtained earlier, and that consideration of the supplemental information would be in

the interests-of-justice.” *See Ultratec, Inc. v. CaptionCall, LLC*, 872 F.3d 1267, 1272-74 (Fed. Cir. 2017). Contradictory testimony on identical issues is “highly relevant,” and its consideration is in the interest of justice. *Id*; *see also Toshiba Corp. v. Macronix Int’l Co., Ltd.*, No. IPR2017-01864, Paper 20 (PTAB Aug. 27, 2018).

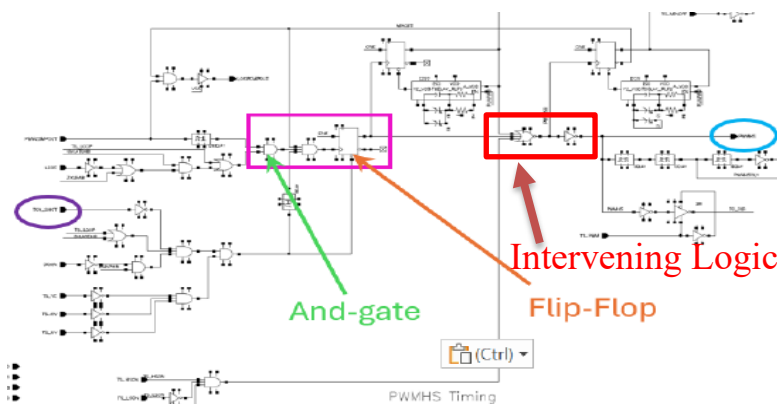
In the IPR, Patent Owner argues that the “control signal” limitation of claim 18 excludes prior art in which that signal passes through intervening logic. As shown below, Patent Owner argues that the “control signal” (blue) passes through intervening logic such that the red and blue signals are two distinct signals. *See* Paper 5, pp. 17-19. Patent Owner argues that “a POSITA would understand that the separating logic makes them different logical signals.” *See* Paper 23, p. 22.

IPR Proceeding



See Paper 5, p. 18.

District Court Proceeding



See PE1 at ¶ 253 (annotated).

In contrast, in the district court matter, Patent Owner and Mr. McAlexander argue that the accused products infringe despite the alleged “control signal” passing through multiple logical elements, highlighted in red above, and the incorporation

of external signals into the intervening logical elements that Patent Owner and Mr. McAlexander have sought to distinguish in this IPR. Mr. McAlexander argues that the “flip flop generates the control signal (e.g., PWMHS/PWMHSB [annotated in blue]).” *See* PE1, ¶ 253. However, as shown in the Figure above there are at least two logic elements, highlighted in red, including a NOR gate and an inverter, between what Mr. McAlexander identifies as the output of the “flip flop” and the identified control signal in blue. Mr. McAlexander therefore contradicts the position he has taken in this IPR. Mr. McAlexander’s recent deposition testimony on this topic likewise contradicts his IPR position. *See* PE2 165:15 – 185:10.

Further, in his expert reports, Mr. Alexander states that “the PWMHS signal is used to drive the power stage,” the minimum off-time generator, and the on-time generator. *See* PE1, ¶¶ 253-258. Thus, Mr. McAlexander opines that the control signal generated by the flip flop passes through intervening logic, highlighted in red, before controlling the power stage, minimum off-time generator, and the on-time generator and is still the same signal. *See* PE1, ¶¶ 252-258. The Board should consider this highly relevant evidence in the IPR proceeding.

Dated: October 10, 2025

Respectfully Submitted,

/Andrew J. Gray, IV/
Andrew J. Gray, IV (Reg. No. 41,796)
Lead Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that a complete and entire copy of **PETITIONER’S MOTION TO SUBMIT SUPPLEMENTAL INFORMATION UNDER 37 C.F.R. § 42.123(B)** was served on October 10, 2025 via email on Patent Owner’s counsel of record in this proceeding:

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