

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTERN DIGITAL TECHNOLOGIES, INC.,
Petitioner,

v.

GODO KAISHA IP BRIDGE 1,
Patent Owner.

Case No. IPR2024-01447
Patent No. 8,405,134

PATENT OWNER'S MOTION TO STRIKE

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LISTING OF EXHIBITS

Exhibit	Description
2001	Kittel, C., <i>Introduction to Solid State Physics</i> , 6th Edition, 1986, pgs. 13-15, 18, 23 (“Kittel”)
2002	Duke, C.B., <i>Tunneling in Solids</i> , Solid State Physics: Advances in Research and Applications, 1969, pgs. 1, 6-7, 34-35, 78-79 (“Duke”)
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2005	Zhu, J.G., et al., “Review Feature: Magnetic tunnel junctions,” <i>Materials Today</i> , vol. 9, no. 11, 2006, pp. 36-45 (“Zhu”)
2006	Djayaprawira, D., et al. “230% room-temperature magnetoresistance in CoFeB/MgO/CoFeB magnetic tunnel junctions,” <i>Applied Physics Letters</i> , vol. 86, no. 9, 2005 (“APL”)
2007	Yuasa, S., et al., “High Tunnel Magnetoresistance at Room Temperature in Fully Epitaxial Fe/MgO/Fe Tunnel Junctions due to Coherent Spin-Polarized Tunneling,” <i>Japanese Journal of Applied Physics</i> , vol. 43, no. 4B, 2004, p. L588 (“JJAP”)
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2009	Callister, W.D., <i>Fundamentals of Materials Science and Engineering, An Integrated Approach</i> , Department of Metallurgical Engineering, The University of Utah, Second Edition, 2005, pgs. 36-37, G1 (“Callister”)
2010	U.S. Patent No. 6,590,803 to Saito et al. (“the ’803 Patent”)

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2015	Definitions of “anneal”, “crystalline” and “crystallized,” Webster’s Ninth New Collegiate Dictionary (1984)
2016	Gleiter, H. “Nanostructured Materials: Basic Concepts and Microstructure,” <i>Acta Materialia</i> , vol. 48, no. 1, pp. 1-29 (2000)
2017	Deposition of Jeffrey Bokor, Ph.D. (June 24, 2025) (“Bokor-Depo2”)
2018	Deposition of Jeffrey Bokor, Ph.D. (June 25, 2025) (“Bokor-Depo”)
2019	Marrows, C.H. “Spin-polarised currents and magnetic domain walls,” <i>Advances in Physics</i> , vol. 52, no. 8, 2005, pp. 585-713
2020	Tsymbal, E., et al., <i>Handbook of Spin Transport and Magnetism</i> , 2012
2021	RESERVED
2022	Nakatani, T., et al. “Read sensor technology for ultrahigh density magnetic recording,” <i>MRS Bulletin, Materials Research Society</i> , vol. 43, no. 2, 2018, pp. 106-111
2023	Jiang, B., et al. “Tunneling magnetoresistive devices as read heads in hard disk drives,” <i>Journal of Magnetism and Magnetic Materials</i> , vol. 571, 2023, p. 170546

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2024	The 23rd (FY2022) Japan Society of Applied Physics Achievement Award Recipients (with English translation), The Japan Society of Applied Physics, <i>available at</i> https://www.jsap.or.jp/outstanding-achievementaward/recipients/recipients23
2025	RESERVED
2026	2021 New Fellows, IEEE Japan Council, <i>available at</i> https://ieeexplore.org/en/kaiin/fellow/fellow21.html
2027	JST owned patent wins Future Creative Invention Prize at the National Invention Award 2021, Japan Science and Technology Agency, <i>available at</i> https://www.jst.go.jp/report/2021/210525_e.html
2028	Dr. Shinji Yuasa profile, <i>available at</i> https://www.jst.go.jp/impact/sahashi/en/system/index.html
2029	AIST wins three Science and Technology Awards in the 2016 Minister of Education, Culture, Sports, Science and Technology Commendation for Science and Technology, <i>available at</i> https://www.aist.go.jp/aist_j/news/prize/pr20160412_3.html
2030	Yuasa, S., “IEEE Magnetics Society Distinguished Lecturers for 2012: Magnetoresistance and Spin-Transfer Torque in Magnetic Tunnel Junctions,” <i>IEEE Transactions on Magnetics</i> , vol. 48, no. 1, 2012, p.3
2031	Shinji Yuasa – IEEE Magnetics Society, <i>available at</i> https://ieeemagnetics.org/contact/shinji-yuasa#biography
2032	AIST, “Winner of the 20th Tsukuba Award,” <i>available at</i> https://www.aist.go.jp/aist_j/news/prize/itemid025-000077.html
2033	Announcing the winners for “Tsukuba Prize,” “Esaki Leona Prize,” and “Tsukuba Encouragement Prize”: Ibaraki Prefectural Science and Technology Promotion Foundation (with English translation), <i>available at</i> https://www.tsukuba-sci.com/cms/?p=9853

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2034	AIST: 34th Inoue Harunari Prize, <i>available at</i> https://www.aist.go.jp/aist_j/news/prize/itemid025-000082.html
2035	Technological seeds that overcome the valley of death (Shinji Yuasa/Head of the Spintronics Group, National Institute of Advanced Industrial Science and Technology), <i>available at</i> https://scienceportal.jst.go.jp/explore/highlight/20090717_01/
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2048	M. Ohring, <i>The Materials Science of Thin Films</i> , Academic Press (1992).
2049-2051	RESERVED
2052	Citations to EX2006, <i>available at</i> https://scholar.google.com/citations?view_op=view_citation&hl=en&user=kb5EQcsAAAAJ&citation_for_view=kb5EQcsAAAAJ:kNdYIx-mwKoC
2053	Declaration of Caroline Ross, Ph.D.
2054	CV of Dr. Caroline Ross, Ph.D.
2055	Japanese Patent No. JP 5120680 B2 with certified English translation

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2056	File History of U.S. Patent Application No. 10/824835 (EX1092 in <i>Western Digital v. IP Bridge</i> , IPR2025-00701)
2057	Citations to EX2008, <i>available at</i> https://scholar.google.com/citations?view_op=view_citation&hl=en&user=kb5EQcsAAAAJ&citation_for_view=kb5EQcsAAAAJ:3fE2CSJr18C
2058	Powder diffraction file for Au, from Joint Committee of Powder Diffraction Standards (JCPDS), The International Centre for Diffraction Data, icdd.com
2059	Excerpt of Deposition Transcript of Dr. Jeffrey Bokor, <i>Qualcomm Inc. v. Monterey Research, LLC</i> , IPR2021-00125, EX1020 (November 19, 2021).
2060	Parkin, S.P, <i>et al.</i> , “Giant tunneling magnetoresistance at room temperature with MgO (100) tunnel barriers,” <i>Nature Materials</i> , 3 (2004), 862-867
2061	Boubeta, <i>et al.</i> , “Epitaxial Fe/MgO heterostructures on GaAs(001),” 226 <i>J. of Crystal Growth</i> 223-230 (2001); Exhibit EX1084 in IPR2024-01493
2062	Saito, Y., et al., “Correlation between barrier width, barrier height, and dc bias voltage dependences on the magnetoresistance ratio in Ir-Mn exchange biased single and double tunnel junctions,” <i>Jpn J. Appl. Phys.</i> 39, L1035–L1038 (2000)
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2066	Krikorian, E., et al., “Nucleation, Growth and Transformation of Amorphous and Crystalline Solids Condensing From the Gas Phase,” <i>Astrophysics and Space Science</i> 65, 129-154 (1979)
2067	Aboelfotoh, M. O., <i>Crystal Structure of Evaporated MgO Films on Amorphous and Polycrystalline Substrates</i> , <i>Journal of Vacuum Science and Technology</i> , Vol. 10, No. 5, 621-625 (1973)
2068	Aboelfotoh, M. O., <i>Preferred orientations in MgO films deposited on amorphous substrates</i> , <i>Applied Physics Letters</i> , Vol. 24, No. 8, 347-349 (1974)
2069	L.E. Murr, <i>Handbook of Materials Structures, Properties, Processing and Performance</i> , Springer, 2015, pgs. 149-161
2070	Errata to EX2017 - Deposition of Jeffrey Bokor, Ph.D. (June 24, 2025)
2071	Errata to EX2018 - Deposition of Jeffrey Bokor, Ph.D. (June 25, 2025)
2072	EX2024 - The 23rd (FY2022) Japan Society of Applied Physics Achievement Award Recipients (with English translation), The Japan Society of Applied Physics, https://www.jsap.or.jp/outstanding-achievementaward/recipients/recipients23 with Amended Certification of Translation [SUPPLEMENTAL EVIDENCE - NOT FILED]
2073	Certified English Translation of EX2029 - AIST wins three Science and Technology Awards in the 2016 Minister of Education, Culture, Sports, Science and Technology Commendation for Science and Technology, <i>available at</i> https://www.aist.go.jp/aist_j/news/prize/pr20160412_3.html [SUPPLEMENTAL EVIDENCE - NOT FILED]
2074	Certified English Translation of EX2032 - AIST, “Winner of the 20th Tsukuba Award,” <i>available at</i>

Exhibit	Description
	https://www.aist.go.jp/aist_j/news/prize/itemid025-000077.html [SUPPLEMENTAL EVIDENCE - NOT FILED]
2075	Certified English Translation of EX2034 - AIST: 34th Inoue Harunari Prize, <i>available at</i> https://www.aist.go.jp/aist_j/news/prize/itemid025-000082.html [SUPPLEMENTAL EVIDENCE - NOT FILED]
2076	Certified English Translation of EX2035 - Technological seeds that overcome the valley of death (Shinji Yuasa/Head of the Spintronics Group, National Institute of Advanced Industrial Science and Technology), <i>available at</i> https://scienceportal.jst.go.jp/explore/highlight/20090717_01/ [SUPPLEMENTAL EVIDENCE - NOT FILED]
2077	Declaration of Caroline Ross, Ph.D. [SUPPLEMENTAL EVIDENCE - NOT FILED]
2078	Declaration of Dara Del Rosario [SUPPLEMENTAL EVIDENCE - NOT FILED]
2079	Transcript of October 29, 2025 Board Conference Call
2080	U.S. Patent Application Ser. No. 10/824,835 [cited as deposition EX2079 in EX2085, Deposition of Jeffrey Bokor, Ph.D. (Oct. 30, 2025)]
2081	U.S. Patent Application Ser. No. 10/646,246
2082	Reserved
2083	Reserved
2084	Reserved
2085	Deposition of Jeffrey Bokor, Ph.D. (Oct. 30, 2025)

I. STATEMENT OF RELIEF REQUESTED

Patent Owner (“IPB”) requests that the Board strike: (1) the below-identified arguments alleging that POSAs would have reasonably expected success in forming MgO(001) on amorphous CoFeB in the Grounds’ combinations because Parkin allegedly teaches this and because of evidence allegedly showing growth of MgO(001) on other amorphous materials (Reply, 2-8 and 12-16) and (2) new evidence EX1097-EX1099, EX1105 ¶¶ 6-22, 25 and EX2018, 134:1-138:11.

II. REASONS SHOWING GOOD CAUSE FOR REQUESTED RELIEF

A motion to strike is warranted where “a reply clearly relies on a new theory not included in prior briefing, and where addressing this new theory during oral hearing would prejudice the opposing party.” Trial Practice Guide (“TPG”), 80-81.

A. The Reply Relies on a New Theory Not in Prior Briefing

1. The Petition Never Alleged MgO(001) Would Form on Amorphous CoFeB and Cited No Evidence Supporting That

Ground 1 mapped 1[d] and 3[d] (“MgO(001) limitations”) to *unmodified* Bowen’s MgO layer formed on crystalline Fe(001) (Petition, 32-34 and 45) despite Ground 1’s combination “replac[ing]” Bowen’s crystalline Fe(001) with CoFeB (*id.*, 35) that is “amorphous” – *not* crystalline (*id.*, 37). In one conclusory sentence, the Petition alleged POSAs “would understand” MgO “would still have the same (001) orientation” as in Bowen but never explained how or why that would be so. *Id.*, 33-34. Petitioner misapprehended that MgO(001) would not form in the

combination for the reasons MgO(001) formed in *unmodified* Bowen. POR, 22-27. That the Petition never even alleged MgO(001) would form on amorphous CoFeB is reinforced by the *undisputed* fact (*id.*) that the evidence the Petition cited to purportedly meet the MgO(001) limitations does not show that. Petition, 33-34, (citing *EX1005, 4:30-32; EX1062 9:58-10:2, 18:49-51; EX1024 ¶129*).

The Reply never disputes that “EX1005” is the ’134 Patent which was cited for reasons having nothing to do with forming MgO(001) on CoFeB. POR, 23.

EX1062 (Parkin), 18:49-51 says Fig. 3A’s MgO is (001) without explaining how MgO(001) is formed whereas 9:58-10:2 explains MgO(001) is formed on a crystalline(001) underlayer. POR, 23; EX2053, ¶¶104-108 (*a crystalline(001) underlayer promotes MgO(001) formation*). The Reply never disputes that these Parkin sections the Petition cited to meet the MgO(001) limitations teach forming MgO(001) on a crystalline(001) underlayer and do *not* support the Petition’s assertion that POSAs would have expected the MgO to “still” be (001) in Ground 1’s combination that *eliminates* Bowen’s (001) underlayer. POR, 22-27.

The Reply never disputes that the remaining evidence (“EX1024, ¶129”) the Petition’s assertion that MgO would “still” be (001) cites is testimony from Bokor’s declaration that adds nothing and warrants no weight because it simply repeats the Petition’s conclusory assertion virtually word-for-word. POR, 25.

Thus, Ground 1 never even alleged that POSAs would have reasonably

expected success in forming MgO(001) on amorphous CoFeB and the evidence the Petition cited to purportedly meet the MgO(001) limitations does not establish that.

Ground 2 - the Reply never disputes that the Petition mapped the MgO(001) limitations to *unmodified* Nagahama, that Nagahama grew its MgO layer on a crystalline(001) underlayer eliminated in Ground 2's combination, and that the Petition's Ground 2 showing for the MgO(001) limitations never even alleges – let alone cites evidence establishing – that POSAs would have reasonably expected the MgO layer to be (001) in Ground 2's combination despite that combination *replacing* Nagahama's crystalline(001) underlayer that promotes MgO(001) (EX2053, ¶¶113-117) with amorphous CoFeB. Petition, 56 and 63; POR, 19-21.

2. The Reply Never Defends the Petition's Arguments and Instead Advances New Arguments Based on New Evidence

The POR explained that the Petition: (1) failed to acknowledge the impact that removing from Bowen and Nagahama the crystalline(001) underlayer would have had on a POSA's expectation of how the MgO layer would form and (2) failed to submit any evidence establishing that POSAs would have reasonably expected MgO to form as crystalline(001) on amorphous CoFeB. POR, 22-27 (Ground 1), 19-21 (Ground 2). The only proper reply would have been for Petitioner to explain where *the Petition* allegedly did so.

Instead of defending the Petition's showing, the Reply advances three new arguments, alleging: (1) Parkin discloses “forming an MgO(100) tunnel over an

amorphous CoFeB” (Reply, 2-5) and (2) prior art allegedly disclosing MgO(001) formed on *different* amorphous substrates gave POSAs a reasonable expectation of success that MgO(001) would form on amorphous CoFeB (*id.*, 5-8), so (3) POSAs “would have reasonably expected success in growing MgO(001) on amorphous ... CoFeB” (*id.*, 5-9). *See also id.*, 12-13 (same new arguments for Ground 2).

a. New Argument that Parkin Teaches Forming MgO(000) on Amorphous CoFeB

The Petition never argued that Parkin discloses “forming an MgO(100) tunnel over an amorphous CoFeB.” Reply, 5. The only Parkin disclosure cited to meet the MgO(001) limitations taught forming MgO on a templating *crystalline(001) underlayer*. *Supra* § II.A.1. The Reply’s need to cite new evidence never cited to meet the MgO(001) limitations (*supra* § II.A.1) reinforces this argument is new. Reply, 2-3 (*citing* EX1062, 22:29-33, 22:56-58, 22:62-63, 22:66-67, 23:6, 23:15, Fig. 11; EX2018, 134:1-138:11).

The Reply alleges that Parkin teaches forming MgO(001) on amorphous CoFeB because Parkin allegedly teaches that **Fig. 11’s interface layer 520** – a crystalline(001) underlayer on which the MgO is formed (Parkin, 22:29-23:11) – is “*optional*.” Reply, 4 (“‘interface layer 520’ is optional”); EX2085, 117:14-119:17 (Bokor admitted that Fig. 11’s interface layer 520 purportedly being “optional” is the *only* disclosure in Parkin he could find of allegedly forming MgO(001) on amorphous CoFeB). This is clearly a new argument. The Petition never cited

Parkin **Fig. 11** for **any** limitation and never even mentioned Fig. 11's interface layer 520, let alone allege that “**‘interface layer 520’ is optional.**” Reply, 4.

The Reply obfuscates by citing the Petition's arguments about Parkin Fig. 3 being “inverted” which the Petition cited for a **different** limitation (1[e]) requiring crystallized CoFeB, POPR arguments about limitation 1[e] which invoked Parkin Fig. 11, and the Board addressing limitation 1[e] in the Decision on Institution (“DI”). Reply, 2-5 (*citing* Petition, 39-41, 60-61; POPR, 47; DI, 28). The POPR made **no** arguments about the MgO(001) limitations. DI, 14 (no argument for 1[d]). The Reply's assertion that Parkin's “inverted” Fig. 3A discloses MgO(001) formed on amorphous CoFeB is an improper new argument. Reply, 2-3.

Even if **all** Reply arguments about Parkin Figs. 3 and 11 allegedly teaching MgO(001) on CoFeB are not stricken, striking Petitioner's argument that Fig. 11's “‘interface layer 520’ is optional” (Reply, 4) is critical because it is clearly new and Petitioner's other arguments about “inverted” Figs. 3 and 11 are refuted by **both** experts. Parkin, 16:47-17:7 (Fig. 3's “reference” electrode 115 is formed beneath and “storage” electrode 175 is formed above the MgO barrier), 17:7-8 (“inverted” means inverting the electrode positions so the storage electrode is beneath MgO barrier), 17:3-25 (Fig. 3's MgO barrier is formed by methods described in application 10/824,835 (EX2080 (cited as EX2079 in EX2085))); Parkin, 23:6-11 (Fig. 11's MgO barrier is formed by methods described in

applications 10/824,835 and 10/646,246 (EX2081)); EX2085, 74:23-75:22 (**Bokor** admitted EX2080, 35:12-18 describes forming the MgO layer on a **crystalline(001) underlayer** – not on amorphous CoFeB), 42:8-43:9, 43:24-45:24 (**Bokor** admitted the inverted “sentence is not describing the composition of the layers”); EX2081, 91:5-21 (the MgO layer is formed on a **crystalline(001) underlayer**); EX1101 (Ross), 159:4-7 (Parkin “merely says the device may be inverted. It doesn’t give any further details”), 160:20-161:5 (“we don’t know which of the layers are actually flipped”). Again, Bokor admitted that Parkin Fig. 11’s interface layer 520 allegedly being “optional” is the **only** disclosure in Parkin he could find of allegedly forming MgO(001) on amorphous CoFeB. EX2085, 117:14-119:17.

The Petition’s citation to Parkin does not entitle Petitioner to cite **different** parts of Parkin (including Fig. 11’s allegedly “optional” interface layer 520) in Reply to advance a **different** argument not in the Petition. *Ariosa Diagnostics v Verinata Health, Inc.*, 805 F.3d 1359, 1367 (Fed. Circ. 2015) (affirming Board’s refusal to consider Reply arguments relying “on previously unidentified portions of a prior-art reference to make a meaningfully distinct contention” and *citing* Rule 104(b)(5)). Rule 104 imposes requirements on the **Petition’s** “content” and requires (“must”) that the Petition identify “**specific portions** of the evidence that support the challenge.” 37 C.F.R. §42.104(b)(5).

b. New Argument that POSAs Expected MgO(001) to Form on CoFeB Because MgO(001) Allegedly Formed

on Other Amorphous Substrates

The Reply's argument that POSAs reasonably expected MgO(001) to form on CoFeB because it allegedly formed on different amorphous substrates (Reply, 5-8, 12-16) was not in the Petition (*supra* § II.A.1) and relies on new evidence: EX1097-EX1099, new Bokor testimony (EX2018, 134:1-138:11; EX1105 ¶¶ 6-22), Wulff (EX1036), and new portions of Nagahama (EX1027 ¶¶55-59, 61, 67).

Bokor's declaration alleged that Wulff taught MgO(001) on an amorphous substrate but it is *undisputed* that *the Petition* never cited Wulff or made that argument which cannot be incorporated by reference into the Petition. POR, 37.

That the Reply's arguments are new is laid bare by the Reply's citation to "seed" layers in Nagahama and Inaba. Reply, 6 and 8. In both seed layers, MgO is amorphous at the surface of the substrate on which it is formed and only becomes crystalline away from that interface. Reply, 6 (admitting for Nagahama); Inaba, 2373 ("MgO initial layer shows *no clear crystallographic structure* up to around a few nm from the Si substrate"). The Petition mapped the MgO(001) limitations to Butler's/Nagahama's *barrier* layers that are MgO(001) through their *entire* thicknesses. Petition, 32-34 and 56. MgO that is amorphous at the interface with its underlayer is *not* the structure the *Petition* mapped to the MgO(001) limitations. Indeed, Bokor admitted that an MTJ MgO barrier layer as claimed must be crystallized at the interface with its underlayer. EX2085, 123:16-124:3.

c. New Argument that POSAs Reasonably Expected MgO(001) to Form on CoFeB

The Reply's assertion that POSAs reasonably expected MgO(001) to form on CoFeB was not in the Petition (*supra* § II.A.1) and rests on the clearly new arguments discussed *supra* §II.A.2.a-b.

3. New Arguments Cannot Establish *Prima Facie* Obviousness

The *Petition* must make its case “with particularity.” 35 U.S.C. §312; *see also* 37 C.F.R. §§42.22 (requiring a “detailed explanation”) and 42.104(b)(5) (*Petition* must identify supporting evidence). The Reply impermissibly “proceed[s] in a new direction” by “rais[ing] a new issue” and relying on “new evidence” in an attempt to belatedly demonstrate a reasonable expectation of success necessary to establish *prima facie* obviousness. TPG, 73-74. That is clearly improper.

B. IPB Would Be Prejudiced By Having to Address Petitioner's New Arguments at Oral Hearing

A motion to strike is warranted “where addressing this new theory during oral hearing would prejudice the opposing party.” TPG, 81. IPB's request to have its expert address the Reply's new evidence was denied. Paper 30, 1-2. Having to respond at oral hearing without the benefit of supporting expert testimony would be prejudicial to IPB. That prejudice is compounded because the Reply's new arguments rest entirely on the naked say-so of Petitioner's expert.

Parkin - Bokor admitted Parkin Fig. 11 is the only prior art he alleges taught MgO(001) on CoFeB. EX2085, 108:4-109:6, 94:4-95:9 (“I don't have any other

examples”). Bokor’s testimony is refuted by Parkin disclosure Bokor *ignored*. Fig. 11’s MgO is formed using methods described in applications Parkin incorporates by reference. EX1062, 23:6-11, 19:1-6. As Parkin itself says, these applications form MgO(001) by forming it on a *crystalline(001) underlayer* – not on CoFeB. Parkin, 3:24-41; EX2080, 26:5-19, 58:1-4, 24:21-25:10, 27:10-13, 35:10-18, 45:19-46:12. Bokor did not review the incorporated applications “recent[ly]” before offering his Reply declaration because they allegedly were not “d[is]positive.” EX2085, 57:12-59:22, 60:8-75:16. Bokor is wrong. These applications refute Bokor’s assertion that Fig. 11’s MgO(001) is formed on CoFeB.

Parkin’s work was as well-known in the field as the inventor Yuasa’s. Reply, 26 (Parkin’s work cited 4,200 times). Everyone knew of their different contributions. The record includes papers acknowledging Parkin’s contributions yet attributing to *Yuasa* the discovery that MgO(001) could form on amorphous CoFeB. Bokor admitted (EX2085, 125:5-129:10) EX2022 acknowledged Parkin but praised the “significance” of *Yuasa*’s MTJ with “(001) MgO texture” formed on CoFeB. EX2022, 106-107, 111; POR, 64-65. EX2023 acknowledged Parkin yet praised *Yuasa*’s “novel idea[]” that formed MgO on “CoFeB amorphous” electrodes rather than a crystalline(001) underlayer and showed that “[u]pon annealing CoFeB and MgO can be crystallized.” EX2023, 2; POR, 65. The Reply’s arguments rest on Bokor fabricating a “teaching” in Parkin no one has ever seen.

Different amorphous substrates – no prior art reference says MgO formation on ***different*** amorphous substrates was predictive of MgO formation on CoFeB. The Reply’s argument is based entirely on Bokor’s naked say-so. But Bokor admitted he is “***no expert. I’m no crystal grower.***” EX2018, 77:9-78:3. He admitted that predicting whether MgO will crystalize is “complicated” (EX2085, 201:12-202:5) and depended on numerous factors – including the ***substrate material*** (EX2085, 154:20-155:4, 158:5-15) – many of which he did not even understand (*id.*, 185:8-186:15). He purportedly “relied on statements in the literature from experts who ... ***presumably*** have a detailed understanding of all of those factors” (EX2085, 178:13-180:2) but cited no reference suggesting that MgO(001) could form on CoFeB. The Reply’s “other substrates” inform MgO formation on CoFeB argument rests entirely on Bokor’s unreliable testimony.

It would be highly prejudicial for IBP to have to devote substantial oral hearing time disproving the Reply’s new arguments and evidence, without specific testimony from its expert Dr. Ross, particularly where the Reply’s arguments hinge on Bokor’s naked say-so on topics about which he is no expert and not credible.

III. CONCLUSION

The clearly “new” and “prejudice” requirements for granting this motion are met. TPG, 81. The Reply arguments and evidence cited *supra* § I should be struck.

/Richard Giunta/
Richard Giunta, Reg. No. 36,149

Dated: November 13, 2025

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

I certify that on November 13, 2025, a copy of the foregoing document, including any exhibits filed therewith, is being served via electronic mail, as previously consented to by Petitioner, upon the following:

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Date: November 13, 2025

/Dara Del Rosario/
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