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September 11, 2024

VIA ELECTRONIC MAIL

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Re: *SK nexilis Co., Ltd. v. Solus Advanced Materials Co., Ltd et al.*, Case No. 2:23-cv-00539

Dear Counsel:

We write in response to your letter of September 4, 2024 (“Defendants’ Letter”) regarding updates provided in SKn’s August 27, 2024 e-mail correspondence related to Defendants’ discovery requests. We note that your letter comes a mere four business days after SKn provided an update on Defendants’ requests, and just two days after the U.S. Labor Day Holiday Weekend. SKn reiterates and incorporates herein its July 22, 2024 objections and responses to Defendants’ general discovery requests, as well its responses in its August 9, 2024 Letter to Counsel and August 27, 2024 e-mail correspondence. SKn does not waive any objection in those letters by virtue of its responses herein.

Your letter identifies three categories of document production and discovery responses. We address these issues as follows:

SKn’s Pending Production of Testing Data

As detailed in SKn’s August 27, 2024 e-mail to you, “SKn continues to search for documents related to the testing data described in the asserted patents.” After conducting a reasonable search, SKn is currently unable to locate “documents underlying the testing data described in each of the asserted patents, including all testing data and test methodologies and the

identity of the materials that were tested.” SKn is also not aware of any “responsive documents related to the testing described in each of the asserted patents” in the possession of a third party.

Accordingly, SKn confirms that no documents “underlying the testing data described in each of the asserted patents, including all testing data and test methodologies and the identity of the materials that were tested” are in SKn’s possession, custody, or control.

SKn’s Latest Production if Standards Referenced in Patent Applications

SKn’s August 17, 2024 production to Defendants included an English-translated copy of the requested “steel-iron test schedule (SEP 1940),” at Bates number SKN-0006820. SKn confirms that based on its current investigation, no other copies of the “‘steel-iron test schedule (SEP 1940)’ recited in claim 1 of the ’090 patent” are in SKn’s possession, custody, or control.

SKn objects to Defendants’ request that SKn “provide similar confirmations for any other standard referenced in patent applications of the asserted patents, but not produced by SKN” as vague, ambiguous, and overly broad. To the extent Defendants believe SKn has not produced “other standard[s] referenced in patent applications of the asserted patents,” please identify such standards.

SKn’s Deficient Discovery Responses and Document Production Regarding Prior Art

As detailed in SKn’s August 27, 2024 e-mail to you, “SKn continues to investigate the existence of documents and things related to its battery copper foil products that pre-existed the patents. Based on its investigation to date, SKn understands that it only has technical documents dating back to 2010 for its battery copper foil products and has identified and collected documents related to product specifications and quality assurance from 2010-2020. However, SKn is in the process of evaluating the terms under which it can produce, or seek approval to produce, these documents pursuant to its customer agreements.”

SKn has evaluated the terms and will produce these documents on a rolling basis after complying with relevant notice and confidentiality provisions. Additionally, the identification of these documents and any production of these documents shall not operate as an admission that any of SKn’s battery copper foil products that “pre-existed” the patents is prior art.

SKn objects to Defendants’ request that “SKN [] supplement its response to Interrogatory No. 5 to identify each of the copper foil products that SKN has located and/or identified based on its investigation so that Defendants can pursue additional discovery as necessary.” SKn further objects to this request and Interrogatory No. 5 to the extent it calls for a legal opinion or conclusion.

Sincerely,

/s/ Harrison B. Rose

Harrison B. Rose