

From: Hrycyszyn, Gerald B. <Gerald.Hrycyszyn@WolfGreenfield.com>

Sent: Tuesday, October 28, 2025 4:43 PM

To: Trials <Trials@USPTO.GOV>; Monica Arnold <Monica.arnold@armondwilson.com>; Amy Han <amy.han@armondwilson.com>; Western Digital Litigation <wd-litigation@armondwilson.com>; Michelle Armond <michelle.armond@armondwilson.com>; PTAB Gerald Hrycyszyn <GHrycyszyn-PTAB@WolfGreenfield.com>; PTAB Jie Xiang <JXiang-PTAB@WolfGreenfield.com>; PTAB Thomas Franklin <TFranklin-PTAB@WolfGreenfield.com>; PTAB Adam Wichman <AWichman-PTAB@WolfGreenfield.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; PTAB Rich Giunta <RGiunta-PTAB@WolfGreenfield.com>

Cc: PTAB_TAP <PTAB_TAP@USPTO.GOV>

Subject: RE: Western Digital v. IP Bridge, IPR2024-01447 and IPR2024-01493

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Dear Board,

In response to the Board's instructions, the Parties to the above referenced proceeding, provide the following information generally identifying what the alleged new evidence is and why the request is opposed in each case. The parties have arranged for a court reporter to transcribe the call.

Patent Owner's Statement

1. As the Patent Owner Response explains (-01447 IPR, Paper 19 at 19-27; -01493 IPR, Paper 18 at 16-21), the Petitions in these proceedings did not even allege that a POSA would have known how to form crystalline MgO with a (001) preferential orientation on amorphous Cobalt-Iron-Boron (CoFeB), let alone submit any evidence supporting such an allegation and demonstrating how this would allegedly have been done.

2. Despite the Trial Practice Guide's prohibition (p. 73), Petitioner submitted in Reply three new exhibits (EX1097-1099) and 14 pages of new expert testimony (EX1105, ¶¶ 6-22), that could and should have been in the Petition, in an attempt to belatedly establish a *prima facie* case of unpatentability by demonstrating a reasonable expectation of success (-01447 IPR, Paper 25 at 5-8, 12-13; -01493 IPR, Paper 24 at 9-11, 14-19).

3. Patent Owner would be highly prejudiced if Petitioner is allowed to make its case on a reasonable expectation of success based on evidence that was not in the Petition so Patent Owner's expert did not have a chance to refute this evidence in her declaration submitted with the POR, and therefore requests authorization to submit a short sur-reply declaration from Dr. Ross limited to addressing these new exhibits and associated expert testimony.

Petitioner's Statement

1. Petitioner established a reasonable expectation of success for forming MgO(001) on amorphous CoFeB, as indisputably taught by Parkin. *E.g.*, '134 Pet. at 39-41, 62-63; '134 Reply at 1-6; EX1101 at 156:17-157:14 (Ross admitting Parkin's disclosure).

2. EX1097-EX1099 are cited by the Yuasa and Wulff articles Dr. Ross discusses, and directly refute Dr. Ross' factually inaccurate statement: "a POSA would have not reasonably expected success in making a crystalline MgO layer" on "an amorphous surface." *E.g.*, EX2053 ('134 IPR) ¶ 162 (cited in '134 POR at 40-41); '134 Reply at 6-8.

3. Dr. Ross could have addressed EX1097-1099's teachings in either her declaration or during cross examination, but refused. *E.g.*, EX1101 at 109:18-111:9 (refusing to opine about EX1097), 123:10-125:8 (same for EX1098), 143:16-146:17 (same for EX1099).

Respectfully submitted,



Gerald Hrycyszyn

Shareholder

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From: Trials <Trials@USPTO.GOV>

Sent: Monday, October 27, 2025 2:58 PM

To: Monica Arnold <Monica.arnold@armondwilson.com>; Amy Han <amy.han@armondwilson.com>; Western Digital Litigation <wd-litigation@armondwilson.com>; Michelle Armond <michelle.armond@armondwilson.com>; PTAB Gerald Hrycyszyn <GHrycyszyn-PTAB@WolfGreenfield.com>; PTAB Jie Xiang <JXiang-PTAB@WolfGreenfield.com>; PTAB Thomas Franklin <TFranklin-PTAB@WolfGreenfield.com>; PTAB Adam Wichman <AWichman-PTAB@WolfGreenfield.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; PTAB Rich Giunta <RGiunta-PTAB@WolfGreenfield.com>; Hrycyszyn, Gerald B. <Gerald.Hrycyszyn@WolfGreenfield.com>

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Counsel,

A conference call has been scheduled for Wednesday, October 29 at 1:00 pm Eastern. The dial in number is 540-566-5633 and the passcode is 706614906.

The Board requests that the parties provide a joint email by close of business on Tuesday, October 28 generally identifying what the alleged new evidence is and

why the request is opposed in each case. The email is to be brief, with each party limited to 2 to 3 sentences succinctly summarizing the issues.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Hrycyszyn, Gerald B. <Gerald.Hrycyszyn@WolfGreenfield.com>
Sent: Thursday, October 23, 2025 3:14 PM
To: Trials <Trials@USPTO.GOV>
Cc: Monica Arnold <Monica.arnold@armondwilson.com>; Amy Han <amy.han@armondwilson.com>; Western Digital Litigation <wd-litigation@armondwilson.com>; Michelle Armond <michelle.armond@armondwilson.com>; PTAB Gerald Hrycyszyn <GHrycyszyn-PTAB@WolfGreenfield.com>; PTAB Jie Xiang <JXiang-PTAB@WolfGreenfield.com>; PTAB Thomas Franklin <TFranklin-PTAB@WolfGreenfield.com>; PTAB Adam Wichman <AWichman-PTAB@WolfGreenfield.com>; PTAB Scott McKeown <SMcKeown-PTAB@WolfGreenfield.com>; PTAB Rich Giunta <RGiunta-PTAB@WolfGreenfield.com>
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Dear Board,

Patent Owner requests a call with the Board to seek authorization to file a declaration by Dr. Ross to accompany Patent Owner's November 19, 2025 sur-reply to address specific evidence not cited in the Petition. Petitioner opposes this request.

The parties are available for a call with the Board (all times Eastern):

1. October 24 at 4 pm (during scheduled call in IPR2024-01494);
2. October 27 after 1 pm;
3. October 28 between 1 pm and 3 pm;
4. October 29 after 12 pm.

Respectfully submitted,



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