Byun, Hyun

From: Subhedar, Nitin
Sent: Sunday, September 8, 2024 11:20 PM
To: Deck, Ryan C.; Tawresey, Gwendolyn
Cc: Samsung-SiOnyx-Cov; SiOnyxITC
Subject: RE: Claim Construction M&C Follow-Up

Hi Ryan:

Thank you for sending over your modified proposed constructions, which we have now had an opportunity to consider. Respondents cannot agree to SiOnyx's revised constructions as currently drafted. With regard to the "textured region/layer" terms, however, Respondents – in the hope that perhaps the parties can agree on a compromise – are hereby modifying their proposed constructions in line with Gwen's comment on the first meet-and-confer call, in which she suggested that the passage in the '764 patent, col. 13:35-38, might serve as a good source for a construction upon which the parties could agree. To that end, please find below Respondents' modified constructions:

Term	Claims	Original	Modified
textured region textured film layer textured layer	'599: 12–13, 19, 31 '359: 12–15, 17, 19–20, 22, 26–29, 76–79 '599: 13–14, 31–32 '359: 15–16, 20–21 '764: 21-22	region that makes light incident on the pixel scatter to improve absorption layer that makes light incident on the pixel scatter to improve absorption layer that makes light incident on the pixel scatter to improve absorption	a region that includes features that diffuse electromagnetic radiation, redirect electromagnetic radiation, and/or absorb electromagnetic radiation, thus increasing the quantum efficiency of the device a film layer that includes features that diffuse electromagnetic radiation, redirect electromagnetic radiation, and/or absorb electromagnetic radiation, thus increasing the quantum efficiency of the device a layer that includes features that diffuse electromagnetic radiation, redirect electromagnetic radiation, and/or absorb electromagnetic radiation, thus increasing the quantum efficiency of the device
a textured region comprising a plurality of surface features configured to interact with incident electromagnetic radiation so as to increase the quantum efficiency of the device	'737: 1, 32	a region with a plurality of surface features that makes light incident on the pixel scatter to increase the quantum efficiency of the device AND	a [textured region] comprising a plurality of surface features configured to interact with incident electromagnetic radiation so as to increase the quantum efficiency of the device AND Indefinite

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		Indefinite	

Please let us know whether SiOnyx would be willing to agree to these proposed constructions, each of which tracks the language to which Gwen pointed in the '764 patent specification at col. 13:35-38. Also, can you please let us know whether the modified construction for "textured region" set forth in the table in your email below is intended to apply only to the '764/'599/'359/'714 patent claims – or whether it also applies to the '737 patent claims as well.

Please note that the modified proposed constructions set forth above are subject to the same reservation of rights as stated in Respondents' initial proposed constructions, and Respondents also reserve all rights with respect to SiOnyx's modified constructions. Thank you.

Best,
Nitin

From: Deck, Ryan C. <Ryan.Deck@troutman.com>
Sent: Friday, September 6, 2024 1:45 PM
To: Subhedar, Nitin <nsubhedar@cov.com>; Tawresey, Gwendolyn <Gwendolyn.Tawresey@troutman.com>
Cc: Samsung-SiOnyx-Cov <Samsung-SiOnyx-Cov@cov.com>; SiOnyxITC <SiOnyxITC@troutman.com>
Subject: RE: Claim Construction M&C Follow-Up

[EXTERNAL]
Hi Nitin,

Following up on our call, please find attached a revised joint chart.

As discussed, we modified the following proposed constructions in an effort to find a compromise:

Term	Original	Modified
a high refractive index material sandwiched between two low refractive index materials	a first material between two second materials, wherein the first material has a refractive index that is at least 0.2 higher than the second two materials and wherein the two second materials can be different from one another	a first material between two second materials, wherein the first material has a refractive index that is either higher than 2.1 or that is at least 0.2 higher than the two second materials, and wherein the second two materials can be different from one another
textured region	a region that includes features that increase the path length of incident light	a region that includes features that diffuse, redirect, absorb, and/or increase the effective absorption length of the device
textured film layer	a layer that includes features that increase the path length of incident light	a layer that includes features that diffuse, redirect, absorb, and/or increase the effective absorption length of the device
shallow trench isolation etching	Plain and ordinary meaning.	To the extent a construction is required:

		etching a pattern of shallow trenches

These proposed modified construction are subject to the same reservation of rights as our initial proposed constructions.

Thanks,

Ryan

Ryan C. Deck
Associate
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From: Deck, Ryan C.
Sent: Friday, September 6, 2024 11:52 AM
To: 'Subhedar, Nitin' <nsubhedar@cov.com>; Tawresey, Gwendolyn <Gwendolyn.Tawresey@troutman.com>
Cc: Samsung-SiOnyx-Cov <Samsung-SiOnyx-Cov@cov.com>; SiOnyxITC <SiOnyxITC@troutman.com>
Subject: RE: Claim Construction M&C Follow-Up

Hi Nitin,

As discussed on the last claim construction call, we think it will help if the parties are able to reference a single joint chart that combines the parties' originally proposed constructions. Please find the chart attached. Note that this chart only includes the parties' original proposed constructions and does not yet have any of the proposed modifications that we discussed last time and will continue discussing today. Apologies in advance for any inadvertent compilation errors.

We look forward to speaking with you at 12p ET.

Thanks,

Ryan

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From: Subhedar, Nitin <nsubhedar@cov.com>
Sent: Thursday, September 5, 2024 6:44 PM
To: Tawresey, Gwendolyn <Gwendolyn.Tawresey@troutman.com>
Cc: Samsung-SiOnyx-Cov <Samsung-SiOnyx-Cov@cov.com>; SiOnyxITC <SiOnyxITC@troutman.com>
Subject: RE: Claim Construction M&C Follow-Up

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Gwen:

We are fine proceeding with the claim construction meet-and-confer on Friday at 12:00 pm EDT. Will you circulate a dial-in, or would you like us to do so?

We are also in agreement on pushing the deadline for initial claim construction expert reports to Wednesday, September 11, and doing the claim term identification/exchange on Monday, September 9. Thanks.

Best,
Nitin

From: Tawresey, Gwendolyn <Gwendolyn.Tawresey@troutman.com>
Sent: Thursday, September 5, 2024 7:32 AM
To: Subhedar, Nitin <nsubhedar@cov.com>
Cc: Samsung-SiOnyx-Cov <Samsung-SiOnyx-Cov@cov.com>; SiOnyxITC <SiOnyxITC@troutman.com>
Subject: RE: Claim Construction M&C Follow-Up

[EXTERNAL]
Nitin,

Noon EDT on Friday is preferable for us. Let us know if that works for you.

Since the expert reports is an exchange deadline and we do not need to move, why don't we push the date to Wednesday, September 11th? That way, we can exchange terms on Monday and no one has to scramble over the weekend. We still have plenty of time between the 11th and the current rebuttal exchange date of the 20th. Let us know if that works for you.

We are working on a chart showing both parties constructions to make our discussion easier. We will send that to you before our Friday call.

Best,
Gwen

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From: Subhedar, Nitin <nsubhedar@cov.com>
Sent: Wednesday, September 4, 2024 8:39 PM
To: Tawresey, Gwendolyn <Gwendolyn.Tawresey@troutman.com>
Cc: Samsung-SiOnyx-Cov <Samsung-SiOnyx-Cov@cov.com>; SiOnyxITC <SiOnyxITC@troutman.com>
Subject: Claim Construction M&C Follow-Up

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Hi Gwen:

I write to follow up on our discussion earlier today about logistics and next steps for the claim construction meet-and-confer process. Here is the process that we would propose:

- **Friday, September 6** – parties hold a follow-up meet-and-confer session to discuss the issues that each party said it would consider further.
- **Sunday, September 8** – each party identifies 5 claim terms to be included in the claim construction briefs. If the parties identify any terms in common, we can discuss how to allocate the remaining slots to bring the total number of claim terms to 10.

If SiOnyx is agreeable to the above, we can discuss setting specific times on each day. Thanks.

Best,
Nitin

Nitin Subhedar

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