From: Lavenue, Lionel <lionel.lavenue@finnegan.com>
Sent: Tuesday, August 27, 2024 6:38 PM
To: Karen Boyd; Jeff Ball
Cc: Innoscience-Infineon-NDCA; Corbett, Gregory F.; Megan Olesek; Steenburg, Charles; DiMarco, Libbie A.; Rutt, Eric; Xiang, Jie; Philip Wu
Subject: Stay, Infineon v. Innoscience - NDCA

Counsel,

Now that the ITC investigation has been instituted, Innoscience intends to file a Motion to Stay the NDCA case.

As you know, 28 U.S. Code § 1659 mandates a stay of district court case, when the district court case and ITC proceeding have the same parties and issues, which is the case here.

We would like to file the stay before the parties must file a case management statement in the NDCA case on September 3. Please let us know if you oppose a joint motion to stay the NDCA litigation. We think we can style as this a stipulation given the standing order from Judge Gonzalez Rogers and the statute's mandate.

Regards,

Lionel

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Monday, July 29, 2024 2:22 PM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Counsel,

In the NDCA case, as you know, the deadline for Infineon to respond to the Amended Complaint is currently on August 6, 2024.

Given that the NDCA case will soon be stayed, we seek a Stipulation for a 45-day extension to Answer the Amended Complaint, as Judge Gonzalez Rogers' standing order prefers stipulations to avoid motion practice.

Please let us know if Infineon agrees. And, after, once the ITC investigation is instituted, we will then proceed with the Motion to Stay Pending ITC Investigation, which should be after the expiration of the Court's letter brief procedures for the extended criminal trial.

Given the upcoming deadline next week (on August 6, 2024), please provide a response on the extension by EOD Wednesday, July 31, 2024.

Infineon Exhibit 2020
Innocience v. Infineon
IRP2025-00175

Best,
Sneha

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Friday, July 26, 2024 3:31 PM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Counsel,

Given the ITC complaint filed today by Infineon between the same parties and patents, we plan to file a motion to stay the NDCA litigation. To alleviate unnecessary expenditures of resources in the district court, Innoscience intends to file this motion prior to the August 6 deadline to answer the Amended Complaint. Please let us know if you oppose a joint motion to stay the NDCA litigation according to 28 U.S. Code § 1659.

Best,
Sneha

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Tuesday, July 9, 2024 4:19 PM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Hi Karen,

Thank you for your response. We will get this filed shortly.

Best,
Sneha

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Tuesday, July 9, 2024 2:35 PM
To: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt

<Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

This looks fine and you have my permission to file. Thanks for your cooperation on this matter—I think it makes good sense for the parties and the Court.

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Tuesday, July 9, 2024 2:10 PM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Counsel,

We just left a voicemail and are following up again on the attached draft joint stipulation agreeing to your proposal for a one-week extension to file the amended complaint to July 23, 2024.

Please let us know if you agree and if we may insert your signature, so we may file.

Best,
Sneha

From: Nyshadham, Sneha
Sent: Tuesday, July 9, 2024 12:13 PM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Karen,

We are following up on the email below.

Please let us know if you agree, so we may file the draft stipulation today. If you have any edits, please let us know.

Best,
Sneha

From: Nyshadham, Sneha
Sent: Tuesday, July 9, 2024 7:07 AM

To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Karen,

Thank you for clarifying.

We note that the May 6, 2024 Standing Order by Judge Gonzalez Rogers notes the following:

> From May 2024 until September 2024, parties may not file routine law and motion matters without first engaging in a substantive meet and confer and following the procedures set forth herein. As an initial matter, the parties are advised that the Court will be presiding over a three-to-four-month multi-defendant criminal trial beginning June 3, 2024. Criminal matters take precedence over civil matters. During such a period, the Court relies on the civil bar to avoid filing motions which are not critical. Accordingly, before the filing of any motion, the parties shall meet and confer, determine whether there is a way to avoid law and motion practice, including by way of stipulations or deferring the resolution of discrete, non-dispositive issues.

Given the Judge's Standing Order to avoid law and motion practice, including by way of stipulations, we agree to your proposal for a one-week extension to file the amended complaint to July 23, 2024 and will file our responsive pleading on August 6, 2024.

Please see the attached draft joint stipulation noting the above. If you agree, we can agree to forgo filing the motion to dismiss today and will file the attached stipulation instead.

Best,
Sneha

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Monday, July 8, 2024 3:00 PM
To: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Our proposal is for a one-week extension to July 23. Do you agree?

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Monday, July 8, 2024 2:39 PM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett

<Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Karen,

Thank you for your email and draft letter brief.

Given the explanation in your letter brief to file an amended complaint as of right pursuant to Rule 15(a)(1)(B) and will do so no later than July 16th, which is different from the July 26th filing date of the amended complaint as discussed in our meet and confer, we are open to waiting to file our motion to dismiss until Infineon files its amended complaint.

We also want to confirm the discrepancy in the letter brief that notes Infineon intends to file no later than July 16th and your draft email that states that proposes to file the amended complaint on July 23rd. Please confirm that Infineon intends to file the amended complaint by July 16th as of right pursuant to Rule 15(a)(1)(B). If not, we will revise the letter brief and continue with our plan to file the motion to dismiss tomorrow.

Best,
Sneha

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Monday, July 8, 2024 1:51 PM
To: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Sneha,

Attached are Infineon's additions to the joint letter on Innoscience's proposed Rule 12(b)(6) motion. That said, we ask again that you reconsider the need for this motion at this time—particularly in view of the Court's Standing Order emphasizing the Court's reliance "on the civil bar to avoid filing motions ***which are not critical***." (emphasis original).

The parties agree that Infineon has the right to amend its complaint, as of right, at least by July 16th (i.e., within 21 days of Innoscience's originally filed motion). (This leaves to the side the plain language of Rule 15(a)(1) indicating that the refiling of Innoscience's contemplated motion would reset the deadline for Infineon to amend its complaint.) Given Infineon's indisputable right to file an amended complaint, at least by the 16th, the details of the amendment are immaterial.

In view of the Court's Standing Order, and in the interest of avoiding unnecessary motion practice, we submit that Innoscience need not (and should not) file a renewed 12(b)(6) motion until Infineon amends its complaint. We propose that the parties stipulate that Infineon will amend its complaint by July 23rd (one week after July 16th), and that Innoscience need not file a letter brief or Rule 12 motion to dismiss until after Infineon amends its complaint. Provided this one-week extension is agreeable, Infineon would

also be agreeable to an extension to Innoscience's 14-day deadline to respond to Infineon's amended complaint. While you have previously cited Rule 12(a)(4) as the reason why Innoscience needs to re-file its motion to dismiss by July 9th, Rule 12(a)(4) refers only to "responsive pleading" and not a renewed motion to dismiss.

Finally, as a matter of logistics, we request that any joint letters be submitted as a "neutral" letter, rather than on one firm's letterhead.

Thank you for your consideration, and please let us know if you agree.

Best regards,
Karen

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Friday, July 5, 2024 11:46 AM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: Re: Infineon v. Innoscience - Various

Hi Karen,

Thank you for confirming on the letter brief.

For the motion to dismiss, we decline to stipulate to your proposal, because we do not know what the amendment by Infineon will be, and need to understand the amendment before we accept any proposals. As I am sure you can understand, we cannot agree in the abstract.

Best,
Sneha

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Friday, July 5, 2024 11:47:50 AM
To: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

We had previously explained that we would be able to get you our positions on Defendants' proposed motions on Tuesday. We will do our best to get the one on the motion to dismiss to you on Monday, but it will probably be late in the day.

Can you please explain why you decline to stipulate to our amending (and a concomitant extension of your deadline to) on July 26 so that the Court can avoid the motion practice on the motion to dismiss? Perhaps if we understand your reasoning we can come up with another plan to avoid this unnecessary motion practice.

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Friday, July 5, 2024 10:20 AM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

Karen,

We do not misunderstand. Based on Rule 15(a)(1)(B), Infineon may amend its pleading once as a matter of right 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), whichever is earlier. As you know, Innoscience has filed a responsive pleading on June 25, 2024, so your proposed filing date of July 26, 2024 for the amended complaint is beyond the 21 days, which does in fact require Infineon to move for leave to amend. Please note that 21 days after our filed motion to dismiss is July 16, 2024.

In the meantime, please send us your position for the draft letter by **Monday, July 8, 2024**, so that we can file the motion to dismiss again, as it is due to be filed by Tuesday, per FRCP 12(a)(4).

For the stipulation for the CMC, please use Lionel Lavenue's signature.

Best,

Sneha

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Friday, July 5, 2024 8:41 AM
To: Lavenue, Lionel <lionel.lavenue@finnegan.com>; Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>; Philip Wu <wu@turnerboyd.com>
Subject: RE: Infineon v. Innoscience - Various

You misunderstand, Lionel. Infineon does not intend to (nor does it need to) move for leave to amend, which we may do as of right under Rule 15(a)(1)(B). We had hoped to avoid burdening the Court with unnecessary motions (and letter-briefing) practice on Innoscience's 12(b) motion, and we are also willing to stipulate to an extension on Innoscience's Rule 12(a)(4)(A) deadline, where we would agree that Infineon would amend its complaint by July 26th. Does that work?

On the CMC date, we will get the stipulation (with your corrections) on file today. Can you confirm that it should be under your signature?

From: Lavenue, Lionel <lionel.lavenue@finnegan.com>
Sent: Thursday, July 4, 2024 6:46 AM
To: Karen Boyd <boyd@turnerboyd.com>; Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>
Subject: Infineon v. Innoscience - Various

Karen,
Thank you for your email.
For the motion to dismiss, we understand that Infineon intends to move for leave to amend on July 26. Defendants cannot agree in advance whether we will oppose that motion to amend, but the intention is acknowledged. But, please send us your position for the draft letter by this Monday, so that we can the motion to dismiss again, as it is due to be filed by Tuesday, per FRCP 12(a)(4). If you need an extension of time to respond to the motion, we can consider that.
For the motion to stay, we had planned to file that motion tomorrow. However, as a professional courtesy, we are fine with receiving your portion of the letter on Tuesday, July 9, 2024. We will plan to file shortly thereafter.
Lastly, please see the attached redlines to the draft stipulation, revised to match the dates from the attached May 2, 2024 Order. If you have no further edits, you have our permission to file.
Regards,
Lionel

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Wednesday, July 3, 2024 5:22 PM
To: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>
Subject: RE: Infineon v. Innoscience - ADR & Other

Thank you for your joint letter drafts and your accommodation on pushing the Initial CMC to Sept. 9. I've attached a draft schedule stipulation for your review and approval.

With regard to the two motions and Judge Gonzalez Rogers's temporary standing order requiring a joint letter, it is our assessment that a robust description of the dispute and the parties' positions best meets the Judge's needs for case management. Between wanting to present her with a letter that is most useful to her and having many team members out this week for the 4th of July holiday, we anticipate getting you our drafts on Tuesday.

For the motion to dismiss, though, we do have a proposal in an effort to avoid unnecessary motion practice and delay. We will agree to file an amended complaint by July 26, and also to give Defendants an extension on their time to respond to the complaint such that Defendants need not answer or move in the meantime. Please let us know if you agree and we can fold this into the stipulation on the CMC date.

With regard to the motion to stay pending IPR, and assuming that we send you our portion of the letter on Tuesday, can you let us know when you anticipate filing that motion? Looking at calendars going forward, there is some possibility that we may need to ask for a short extension on our opposition.

Thank you,
Karen

From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Tuesday, July 2, 2024 9:55 AM
To: Karen Boyd <boyd@turnerboyd.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>
Subject: RE: Infineon v. Innoscience - ADR & Other

Counsel,

Thank you for meeting with us yesterday.

Regarding the CMC, we are fine with pushing the initial case management conference to September 9, 2024.

Regarding a Magistrate Judge, we do not consent to a Magistrate Judge and would like to stay with Judge Gonzalez Rogers.

Therefore, please see the attached draft letter briefs for the Motion to Dismiss and Motion to Stay to include Infineon's position, per the Standing Order.

Best,
Sneha

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Monday, July 1, 2024 9:54 AM
To: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>; Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>
Subject: RE: Infineon v. Innoscience - ADR & Other

One of the things that we should discuss today is Judge Gonzalez Rogers's exhortation to pick a Magistrate that both parties would consent to.

-----Original Appointment-----
From: Nyshadham, Sneha <Sneha.Nyshadham@finnegan.com>
Sent: Thursday, June 27, 2024 5:37 PM
To: Nyshadham, Sneha; Karen Boyd; Lavenue, Lionel; Jeff Ball

Cc: Innoscience-Infineon-NDCA; Gregory F. Corbett; Megan Olesek; Charles Steenburg; Elizabeth DiMarco; Eric Rutt; Jie Xiang
Subject: Infineon v. Innoscience - ADR & Other
When: Monday, July 1, 2024 11:00 AM-11:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

Hi Karen,

Thank you for your email. Please use this invite for our meet and confer on Monday.

Best,
Sneha

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 243 864 524 859

Passcode: diYJZp

Dial in by phone

+1 929-229-5343,,994416175# United States, New York City

Find a local number

Phone conference ID: 994 416 175#

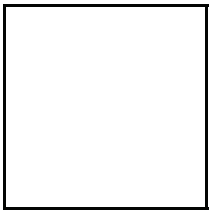
Join on a video conferencing device

Tenant key: finnegan@m.webex.com

Video ID: 118 628 415 0

More info

For organizers: Meeting options | Reset dial-in PIN



Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Org help | Privacy and security

_____

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Thursday, June 27, 2024 4:08 PM
To: Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>
Subject: RE: Infineon v. Innoscience - ADR & Other

Thanks for your agreement on the ADR certification, Lionel. We'll proceed with that.

For the meet & confer regarding Innoscience's motions to dismiss and to stay pending IPR, we are available Monday any time from 10am-12pm Pacific/1pm-3pm Eastern or Tuesday from 10am – 11am Pacific / 1pm – 2pm Eastern. Please circulate a calendar invitation for that conference.

We look forward to talking with you early next week,
Karen

From: Lavenue, Lionel <lionel.lavenue@finnegan.com>
Sent: Wednesday, June 26, 2024 4:21 PM
To: Karen Boyd <boyd@turnerboyd.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>
Subject: Infineon v. Innoscience - ADR & Other

Hi Karen,

Thank you for your email.

First, we are fine with checking the ADR box, as you suggest for the ADR certification, as due by July 2, 2024.

Second, as you know, after we filed the declination of the Magistrate Judge yesterday, the case was assigned to Judge Gonzalez Rogers, and after that reassignment, the court clerk denied our motion to dismiss, pursuant to the Judge's standing order that parties may not file "routine law and motion matters without first engaging in a substantive meet and confer and filing a joint four-page letter brief." One would not expect that an initial Rule 12 motion to dismiss, as an initial filing, would be subject to this standing order, which did not even apply when the motion to dismiss was filed. As such, we contacted the clerk's office today, yet we were advised to refile according to the standing order of Judge Gonzalez Rogers. Thus, we will need a meet-and-confer and to file a joint four-page letter to accompany our motion to dismiss. Please let us know your availability for a meet and confer, including if you oppose the filing of the motion to dismiss (we expect you do not oppose) and if you oppose the motion to dismiss itself (we expect you oppose). Once we confirm your position, we can draft and send our portion of the four-page required letter, per by the standing order.

Third, we plan to file a motion to stay, pending the IPR for the '481 patent. We expect that the Court may look favorably on a motion to stay, pending the IPR, especially given its busy docket this Summer and Fall. Also, if you check the rulings by Judge Gonzalez Rogers, you will see that she has viewed motions to stay, pending IPR, favorably in the past. As such, we also seek your position (via meet and confer), if you oppose such a motion to stay, pending IPR.

Regards,

Lionel

Lionel M. Lavenue | Bio
Attorney at Law
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571.203.2750 | fax: 202.408.4400 | Lionel.Lavenue@finnegan.com | www.finnegan.com | LinkedIn profile

FINNEGAN

From: Karen Boyd <boyd@turnerboyd.com>
Sent: Wednesday, June 26, 2024 1:53 PM
To: Lavenue, Lionel <lionel.lavenue@finnegan.com>; Jeff Ball <ball@turnerboyd.com>
Cc: Innoscience-Infineon-NDCA <Innoscience-Infineon-NDCA@finnegan.com>; Gregory F. Corbett <Gregory.Corbett@WolfGreenfield.com>; Megan Olesek <olesek@turnerboyd.com>; Charles Steenburg <Charles.Steenburg@WolfGreenfield.com>; Elizabeth DiMarco <Elizabeth.DiMarco@WolfGreenfield.com>; Eric Rutt <Eric.Rutt@WolfGreenfield.com>; Jie Xiang <Jie.Xiang@WolfGreenfield.com>
Subject: Infineon v. Innoscience - ADR

Counsel for Defendants—

With all of the admin and schedule changes of the last couple of days, I think that we still have a July 2 deadline to file our ADR certification under ADR L.R. 3-5(b). For the counsel certification at the bottom of that form, I'd like to suggest that we check the box that says that we'd like to discuss ADR selection at the CMC. We can talk about it while we're preparing the Joint CMC Statement, and if we reach an agreement we can always indicate that in the JCMCS.

Let me know if you agree with that plan.

Best regards,
Karen

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