

From: [Trials](#)
To: [Bergeron, Amy](#); [Trials](#)
Cc: [PH-Entegris-Inpria-IPR](#); [Williams, Eliot D.](#); [Burke, Katharine](#); [Zhu, Frank](#)
Subject: RE: IPR2025-00267 - Request for Authorization to Seek Extension
Date: Wednesday, December 17, 2025 2:56:01 PM
Attachments: [image001.png](#)

Counsel,

Given the parties' agreement to extend the deadlines for discovery and briefing of the real party-in-interest issue, we agree with the parties that good cause exists to reset the deadline for issuing a decision on institution. As the parties have agreed, the due date for Patent Owner's brief on the real party-in-interest issue is reset to Wednesday, January 14, 2026; the due date for Petitioner's responsive brief on the real party-in-interest issue is reset to Friday, January 16, 2026. The Board intends to issue a decision on institution no later than Friday, January 30, 2026.

Regards,

Andrew Kellogg,
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From: Bergeron, Amy <amy.bergeron@bakerbotts.com>
Sent: Tuesday, December 16, 2025 9:48 PM
To: Trials <Trials@USPTO.GOV>
Cc: PH-Entegris-Inpria-IPR <ph-entegris-inpria-ipr@paulhastings.com>; Williams, Eliot D. <Eliot.Williams@BakerBotts.com>; Burke, Katharine <Katharine.Burke@BakerBotts.com>; Zhu, Frank <frank.zhu@BakerBotts.com>
Subject: IPR2025-00267 - Request for Authorization to Seek Extension

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Your Honors,

The parties have conferred and seek the Board's assistance regarding an issue that has

arisen following the Board's order dated December 5, 2025 (Paper 24). On December 12, in response to the order, Petitioner Entegris produced several documents to Patent Owner Inpria. Among those documents was a declaration of an Entegris employee, Joseph Rivers, signed December 12, 2025.

Patent Owner Inpria's Position:

Hours after Entegris served its production, Inpria emailed Entegris regarding the Rivers Declaration. In its email, Inpria noted that it believed the Rivers Declaration was improper but asked whether Mr. Rivers would be available for a deposition on Monday, December 15. As Inpria subsequently explained to Entegris in an email on Sunday, December 14, the Rivers Declaration is improper because it is not within the scope of the Board's order (Paper 24), and its timing was also prejudicial as Entegris could have served the declaration earlier. For instance, Entegris could have submitted the declaration with its discretionary denial opposition where Entegris introduced other exhibits in attempting to distance itself from Lam. E.g., Paper 10 at 3-10. Entegris's attempt to shift the blame to Inpria for Entegris's delay in introducing the declaration makes no sense. After the proceeding was restarted on October 31, Inpria quickly requested a motion for additional discovery, emailing Entegris on November 11 and the Board on November 13. And prior to October 31, the proceeding was denied institution.

Inpria's position is that the Rivers Declaration should be given no weight, particularly given that Entegris did not arrange to make Mr. Rivers available for a deposition during the time currently available. *See John's Lone Star Distribution, Inc. v. ThermoLife International, LLC*, IPR2014-01201, Paper 31 (P.T.A.B. May 13, 2015). The reason for Entegris's unauthorized and belated serving of this new declaration is apparent—the agreements that Entegris simultaneously produced plainly show Lam is an RPI. But if the Board is inclined to consider the declaration, a deposition is necessary. This is particularly true under the circumstances here, as the declarant purports to be testifying from “personal knowledge and other information [he has] collected and reviewed,” without any explanation as to which parts of his testimony supposedly are from personal knowledge, and which are based on “other information” that Entegris did not produce and the declarant did not cite or describe. Inpria is willing to limit the deposition to four hours.

Entegris has indicated that Mr. Rivers is not available until January 9, which is well

past the current briefing deadline and institution decision deadline. It is unclear why Entegris did not arrange for Mr. Rivers to be available sooner, or choose a declarant that had earlier availability given that Mr. Rivers himself provides testimony about issues that he is not personally knowledgeable about, as noted above. In any event, Entegris has indicated that a deposition is only possible if the schedule is extended. If the Board believes the Rivers Declaration should be considered, Inpria does not oppose requesting such an extension from the Director/Chief Judge. Indeed, Inpria suggested such a request for extension earlier, which Entegris opposed. Ex. 3001 at 2.

Under the current briefing schedule, Inpria's supplemental brief is due on December 17. Unless Inpria hears otherwise, it will proceed to file this brief on December 17. If the Board adopts Entegris's suggestion to request the Director/Chief Judge to extend the schedule, and Entegris makes Mr. Rivers available for deposition on January 9, Inpria would propose that its brief be due by January 14 and Entegris's response be due by January 16. The more appropriate path, however, would be simply to accord the declaration no weight.

Petitioner Entegris's Position:

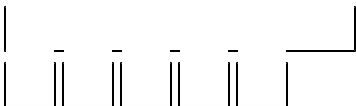
To accommodate a request from Inpria for the deposition of Mr. Rivers, Entegris has agreed to seek an extension from the Director/Chief Judge on the briefing deadlines set forth in the Board's December 5 Order and the deadline for the Institution decision. Mr. Rivers is available for deposition on January 9; prior to that, he has conflicts due to travel, work commitments, and the holidays. Inpria states above that it does not oppose a request for a schedule extension to accommodate that date. Entegris agrees with Inpria's proposal for the timing of the deposition and briefing. Accordingly, Entegris requests authority from the panel to seek an extension from the Director/Chief Judge. **The agreed-upon extension is the only request at issue in this email.**

As to Inpria's argument that Mr. Rivers' declaration should be given no weight in the RPII analysis, the argument is not proper or ripe at this stage. The parties have not submitted any briefing on the RPII issue, and Inpria has not requested leave to file a motion to strike. Nor would such a motion have merit. In the *John's Lone Star* case, cited by Inpria, the Petitioner refused a deposition. Here, on the other hand, Entegris has agreed to the requested deposition and a corresponding schedule extension. There is no prejudice to Inpria.

For the record, Inpria's various accusations are improper, as is Inpria's attempt to avoid this discovery. The facts confirm there is no RPII issue here. The declaration provides facts directly related to the Entegris-Lam agreements that Inpria placed at issue through its recent discovery and briefing requests. Inpria opened the door to introduction of facts relevant to those inquiries. The declaration is also timely. It was not until the teleconference with the Board, less than 2 weeks ago, that Inpria first requested production of the agreements. Inpria's suggestion that Entegris should have produced this declaration over 7 months ago has no support. Entegris was entitled to rely on the presumption of correct RPII identification until Inpria explained what evidence it was relying on to put the matter in dispute. These agreements were never mentioned. Indeed, Inpria could have requested discovery in May 2025, but it instead explicitly purported to "reserve[]" its right to do so later. Paper 7, at 12 n.4. Moreover, on October 2, 2025, Inpria explained that discovery would be necessary if the matter was referred to the Board. Paper 15 at 5. The matter was in fact referred to the Board a few weeks later on October 31, 2025 (Paper 21); yet, again Inpria chose to forgo discovery for weeks. The fact that Inpria chose to wait until the eve of institution to identify the evidence that it believes was relevant does not foreclose Entegris from providing a complete factual record relevant to the Board's consideration of that evidence.

Best,
Amy Bergeron
Senior Associate

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