

**From:** [Trials](#)  
**To:** [Jay, Michael](#); [Trials](#)  
**Cc:** [Heintz, James M.](#); [Minutoli, Gianni](#); [Siddiqui, Saqib](#); [Bonner, Amanda Streff](#); [Pluta, Robert G.](#); [Ellison, Martin](#)  
**Subject:** RE: IPR2024-00828  
**Date:** Monday, August 25, 2025 4:06:07 PM

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Counsel,

Patent Owner is authorized to make an offer of proof in writing on, or before, Tuesday, September 2, 2025. Patent Owner's filing shall be limited to no more than 15 pages, not including an appendix of exhibits. In its filing, Patent Owner shall address why the offer of proof is proper and timely under the law and regulations applicable to this proceeding. Petitioner is authorized to file a response to the offer of proof within ten (10) days of its filing limited to 15 pages, not including an appendix of exhibits.

Regards,

Andrew Kellogg,  
Deputy Chief Clerk, Trials  
Patent Trial and Appeal Board  
USPTO  
[andrew.kellogg@uspto.gov](mailto:andrew.kellogg@uspto.gov)  
(571) 272-5366

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**From:** Jay, Michael <Michael.Jay@us.dlapiper.com>  
**Sent:** Monday, August 25, 2025 12:05 PM  
**To:** Trials <Trials@USPTO.GOV>  
**Cc:** Heintz, James M. <Jim.Heintz@us.dlapiper.com>; Minutoli, Gianni <gianni.minutoli@us.dlapiper.com>; Siddiqui, Saqib <SSiddiqui@mayerbrown.com>; Bonner, Amanda Streff <ASBonner@mayerbrown.com>; Pluta, Robert G. <RPluta@mayerbrown.com>; Ellison, Martin <Martin.Ellison@us.dlapiper.com>  
**Subject:** RE: IPR2024-00828

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Dear Board,

We write further to Mr. Pluta's email dated 8/22/25 in the above-referenced IPR. While Samsung is aware of the Board's preference for a single email, the actions of Maxell's counsel have necessitated this second email.

Samsung conferred via email with Maxell regarding Maxell's request and told Maxell that (1)

Maxell's email should not state that the Board previously said that briefing would be authorized, but only that Board indicated that it may be authorized, and (2), more importantly, that the email should include Petitioner's request that if Maxell is allowed to submit any materials showing allegedly inconsistent statements by Samsung's expert, Samsung should be authorized to do the same with respect to Maxell's expert. Maxell unilaterally rejected both requests and then sent his email to the Board one minute later without giving Samsung any chance to respond. Maxell's counsel rejected the first request because it disagreed with what the Board previously stated regarding the briefing, and rejected the second request on the basis that it was "inappropriate and goes beyond anything previously requested by Samsung." Even if Maxell were correct on either issue (it was not), this refusal to accurately reflect Samsung's stated position is improper, particularly with respect to the second issue.

Moreover, both of Maxell's positions are incorrect. The hearing transcript will demonstrate Maxell's error on the first issue. Maxell's position on the second issue is clearly incorrect because Samsung previously made this request as stated in the email sent to the Board by Mr. Pluta himself on June 5, 2025: "Further, to the extent that Patent Owner is authorized to file any public trial transcripts as identified above in any IPR, Petitioner respectfully requests that Patent Owner be required or Petitioner be authorized to file the public transcripts for the entire proceeding pertaining to the subject matter of that IPR so that Patent Owner's testimony and arguments are also in the record."

While attachments are not permitted on these email communications with the Board, Samsung can produce copies of the above-referenced email exchanges should the Board so desire.

Samsung continues to oppose Maxell's requested relief, but in the alternative, to the extent that any briefing or submission is authorized with respect to Maxell's request, Samsung renews its request that it be allowed to do the same with respect to Maxell's expert and litigation positions.

Respectfully submitted,  
Michael Jay

**Michael Jay**

Partner

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**From:** Pluta, Robert G. <[RPluta@mayerbrown.com](mailto:RPluta@mayerbrown.com)>

**Sent:** Friday, August 22, 2025 3:10 PM

**To:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Cc:** Heintz, James M. <[Jim.Heintz@us.dlapiper.com](mailto:Jim.Heintz@us.dlapiper.com)>; Minutoli, Gianni <[gianni.minutoli@us.dlapiper.com](mailto:gianni.minutoli@us.dlapiper.com)>; Jay, Michael <[Michael.Jay@us.dlapiper.com](mailto:Michael.Jay@us.dlapiper.com)>; Siddiqui, Saqib <[SSiddiqui@mayerbrown.com](mailto:SSiddiqui@mayerbrown.com)>; Bonner, Amanda Streff <[ASBonner@mayerbrown.com](mailto:ASBonner@mayerbrown.com)>

**Subject:** IPR2024-00828

 **EXTERNAL MESSAGE**

Dear Board,

During last week's hearing in IPR2024-00828, Patent Owner raised making an offer of proof pursuant to FRE 103(a). The Board indicated that briefing on the issue would be authorized. Patent Owner writes to inquire whether an order would be forthcoming setting forth a briefing schedule on that issue, or whether the parties should submit a proposed briefing schedule? Petitioners continue to oppose Patent Owner's request for further briefing.

Respectfully submitted,

Rob Pluta  
Counsel for Maxell, Ltd.

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**Robert G. Pluta**

*Partner*

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