

Von: Angelo Lopresti <Alopresti@ipgphotonics.com>
Gesendet: Freitag, 16. August 2019 17:08
An: Bokelmann, Peter <peter.bokelmann@trumpf.com>
Cc: Greger, Christian <christian.greger@trumpf.com>
Betreff: RE: IPG Adjustable Mode Beam Lasers

Dear Peter:

It is nice to hear from you, though I agree that the topic is unfortunate. We've had a chance to look into the topics raised in your email, and we disagree with your assessment for several reasons.

First, please explain why you consider the three patents you identified—U.S. Patent Nos. 8,781,269, 10,281,656, and 9,620,925—to be outside the scope of our 2014 agreement, particularly in view of the product you accuse of infringement? As you know, the parties agreed “not to assert” their patents “in the Field of Use,” defined as “solid state lasers [and] components thereof” (Settlement Terms, Sept. 29, 2014.) Similarly, the 2014 agreement prohibits the parties from asserting patents “that include a claim with a Solid State Laser Source as an element thereof.” Yet you are asserting the patents against IPG’s YLS-AMB Series laser—a solid state laser. This is precisely the type of dispute that the parties were attempting to avoid by entering into the agreement. Indeed, it looks like SPI, a fiber laser specialist, filed the ’925 patent while we were negotiating the agreement.

Second, the YLS-AMB Series laser does not use the technology allegedly claimed in the patents you identified. We are willing to discuss (under Federal Rule of Evidence 408) why the YLS-AMB Series laser does not use the allegedly patented technology in more detail, if Trumpf and SPI agree to a non-disclosure agreement and patent prosecution bar. Please let me know if that would be productive.

Third, to the extent you believe that the patents are outside the scope of the 2014 agreement, those patents are subject to considerable validity challenges. As you know, an invalid claim cannot be infringed.

We are, of course, willing to talk further to better understand your positions. If you would like to meet in person to discuss your assertion and the answers to our questions above, please send us a draft non-disclosure agreement to review.

Best regards,

Angelo

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