

## Joel Glazer

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**From:** Lee, Pan C. <plee@axinn.com>  
**Sent:** Thursday, September 15, 2022 9:59 PM  
**To:** Joel Glazer; Alex Chan; Timothy Devlin; oceansemi-dlf; Henrik Parker; Peter Mazur; Joseph Zito  
**Cc:** applied-ocean  
**Subject:** RE: IPR2021-01339, -1340, -1342, -1344 Motions to Strike

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Joel,

It is unclear what additional information you are requesting beyond Petitioner identifying the specific citations from each Sur-Reply that contain new arguments that were not raised in Ocean's PORs and/or responsive to arguments raised in Petitioner's Replies. What is clear is that Ocean is not consenting to Petitioner's motion to strike those portions and that Ocean is declining to even meet and confer to provide your positions unless Petitioner, instead of Ocean, provides the responsive citations we requested from Ocean, which we are unable to do since we do not believe there are any. The Board cautioned in its August 24, 2022 order in the IPRs that under 37 C.F.R. § 42.23(b), a sur-reply "may only respond to arguments raised in the corresponding reply." See *also* CPTG at 74 ("Respond," in the context of 37 C.F.R. § 42.23(b), does not mean proceed in a new direction with a new approach as compared to the positions taken in a prior filing").

While tomorrow's deadline is described as "generally," not "always" applicable, Petitioner would prefer to continue to stay within the deadlines and guidelines set forth in the scheduling orders and CTPG. Accordingly, we will notify the Board tomorrow morning that Ocean does not consent to our request. If our understanding of Ocean's opposition is incorrect, please let us know.

Regards,

**Pan C. Lee**  
*Counsel*



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**From:** Joel Glazer <jglazer@devlinlawfirm.com>  
**Sent:** Thursday, September 15, 2022 12:56 PM  
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**Cc:** applied-ocean <applied-ocean@axinn.com>  
**Subject:** RE: IPR2021-01339, -1340, -1342, -1344 Motions to Strike

**Caution: External Email**

Pan,

Applied Materials has offered no information as to why it believes each of the citations below raises new arguments. Without this information, Ocean is unable to meet and confer with Applied Materials, in good faith, to determine whether there are merits to Applied Materials' proposed motions.

In order for Ocean to provide a position with which Applied Materials may approach the Board, please provide some information for each citation. For example, please explain how Ocean's quotation to Dr. Shanfield's declaration at the end of page 1, and Ocean's discussion directly addressing this quotation, raises a new issue. As another example, please explain how Ocean's discussion of Figure 4, which was discussed in the Petition, Patent Owner's Response, and Petitioner's Reply, raises a new issue. Once Applied Materials has provided this information, Ocean will be able to provide its position on each of Applied Materials' motions. Until then, Ocean is unable to meet and confer with Applied Materials on this issue, and your request to approach the Board is therefore premature.

Thank you,  
Joel



**Joel Glazer**

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**From:** Lee, Pan C. <plee@axinn.com>  
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**Cc:** applied-ocean <applied-ocean@axinn.com>  
**Subject:** IPR2021-01339, -1340, -1342, -1344 Motions to Strike

Dear Counsel,

On Friday, September 16, 2022, Petitioner Applied Materials plans to request the Board for authorization to file motions to strike the following portions of Ocean's sur-replies, or in the alternative for further merits briefing to address the newly-raised arguments. Please let us know your position so that we may inform the Board.

IPR2021-1339

Paper 35 at page 1, line 6 ("improperly ... failures").

Paper 35 at page 1, line 20 through page 2, line 4.

Paper 35 at page 3, lines 13-15.  
Paper 35 at page 3, lines 18-20.  
Paper 35 at page 7, lines 2-8.  
Paper 35 at page 11, line 12 through page 12, line 10.

IPR2021-1340

Paper 33 at page 1, lines 8-9 (“as ... witness,”).  
Paper 33 at page 3, lines 10-13.  
Paper 33 at page 3, lines 15-16 (“fault ... 10),”).  
Paper 33 at page 3, lines 17-19.  
Paper 33 at page 4, lines 2-5.  
Paper 33 at page 4, lines 5-11.  
Paper 33 at page 4, lines 11-19.  
Paper 33 at page 5, lines 7-9.  
Paper 33 at page 5, lines 14-19.  
Paper 33 at page 6, lines 3-4.  
Paper 33 at page 7, lines 9-11.  
Paper 33 at page 7, lines 14-19.  
Paper 33 at page 8, lines 9-22.  
Paper 33 at page 9, lines 12-16.  
Paper 33 at page 10, lines 5-8.  
Paper 33 at page 14, line 15 through page 15, line 7.  
Paper 33 at page 16, lines 9-17.

IPR2021-1342

Paper 38 at page 2, lines 12-13.  
Paper 38 at page 6, lines 10-13.  
Paper 38 at page 12, lines 4-6 (“the possibility ... be prohibited”)  
Paper 38 at page 16, lines 15-16 (“additional ... process flow”)

IPR2021-1344

Paper 38 at page 2, lines 14-16 (“Moreover ... Patent Owner”).  
Paper 38 at page 6, line 15 through page 7, line 2.  
Paper 38 at page 12, line 20 through page 13, line 2 (“the possibility ... be prohibited”)  
Paper 38 at page 17, lines 10-11 (“additional ... process flow”)

To the extent you are able to provide corresponding citations to support your contention that the sur-replies comply with 37 C.F.R. § 42.23, we will consider that information in determining whether to include those portions in our request to the Board. We look forward to your response.

Regards,

**Pan C. Lee**  
*Counsel*



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