From:	josh@joshuayipatentlaw.com
To:	Brian Banner
Cc:	Charles Koole; Jaime Olin; Joseph Ramirez; Ryan Hargrave; Sheetal Patel; Steven Hartsell; Tara M. Williams; Paul Skiermont; Darryl Adams; Joseph D. Gray; William Beard; Tecuan Flores; Truman Fenton; Kristie Davis
Subject:	Re: [EXTERNAL] Bell Semiconductor, LLC v. Microchip Tech., Inc. et al (6:20-cv-00296-ADA)
Date:	Tuesday, April 13, 2021 2:13:02 PM

Counsel,

Thank you for the quick reply. The Court will cancel the hearing and enter the claim construction order ASAP. Thanks.

-Josh

Joshua J. Yi, Ph.D.
The Law Offices of Joshua J. Yi, PLLC
13492 Research Blvd; Ste. 120 – #445
Austin, TX 78750-2254

On Apr 13 2021, at 1:57 pm, Brian Banner <bbanner@sgbfirm.com> wrote:

> Dr. Yi,
>
> Defendants Microchip and Microsemi do not request a hearing. Defendants reserve all rights to appeal any and all of the Court's claim constructions.
>
> Regards,
>
> Brian C. Banner
>
> **sgb | SLAYDEN GRUBERT BEARD PLLC**
> 401 Congress Ave, Ste 1650 | Austin, TX 78701 | USA
> [O] 512.402.3569 | [C] 512.468.6297 | sgbfirm.com
>
>
>
> ---
>
> **From:** josh@joshuayipatentlaw.com <josh@joshuayipatentlaw.com>
> **Sent:** Tuesday, April 13, 2021 12:09 PM
> **To:** Charles Koole <CKoole@skiermontderby.com>
> **Cc:** Jaime Olin <jolin@skiermontderby.com>; Joseph Ramirez <jramirez@skiermontderby.com>;

Ryan Hargrave <rhargrave@skiermontderby.com>; Sheetal Patel <spatel@skiermontderby.com>; Steven Hartsell <SHartsell@skiermontderby.com>; Tara M. Williams <TWilliams@skiermontderby.com>; Paul Skiermont <pskiermont@skiermontderby.com>; Brian Banner <bbanner@sgbfirm.com>; Darryl Adams <dadams@sgbfirm.com>; Joseph D. Gray <jgray@sgbfirm.com>; William Beard <wbeard@sgbfirm.com>; Tecuan Flores <tflores@sgbfirm.com>; Truman Fenton <tfenton@sgbfirm.com>; Kristie Davis <kmdaviscsr@yahoo.com>
Subject: Re: [EXTERNAL] Bell Semiconductor, LLC v. Microchip Tech., Inc. et al (6:20-cv-00296-ADA)

Counsel for Microchip,

Can you please let me know if you would like to have a hearing? At this point, I think the Court is booked for lunch this week, so it will either be after trial a day this week (or possibly in the morning) or next week. Please let me know. Thanks.

-Josh

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On Apr 9 2021, at 7:52 pm, Charles Koole <CKoole@skiermontderby.com> wrote:

> Dr. Yi,
>
> The Court's preliminary constructions are acceptable to Bell Semiconductor, and thus, Bell Semiconductor does not believe a hearing is needed. To the extent that Microchip wishes to proceed with a hearing, Bell Semiconductor would prefer Thursday next week.
>
> Thank you,
>
> Charles
>
> ---
>
> **From:** josh@joshuayipatentlaw.com <josh@joshuayipatentlaw.com>
> **Sent:** Friday, April 9, 2021 6:56 PM
> **To:** Charles Koole <CKoole@skiermontderby.com>; Jaime Olin <jolin@skiermontderby.com>; Joseph Ramirez <jramirez@skiermontderby.com>; Ryan Hargrave

<rhargrave@skiermontderby.com>; Sheetal Patel <spatel@skiermontderby.com>; Steven Hartsell <SHartsell@skiermontderby.com>; Tara M. Williams <TWilliams@skiermontderby.com>; Paul Skiermont <pskiermont@skiermontderby.com>; bbanner@sgbfirm.com; dadams@sgbfirm.com; jgray@sgbfirm.com; wbeard@sgbfirm.com; tflores@sgbfirm.com; tfenton@sgbfirm.com
Cc: Kristie Davis <kmdaviscsr@yahoo.com>; josh@joshuayipatentlaw.com
Subject: [EXTERNAL] Bell Semiconductor, LLC v. Microchip Tech., Inc. et al (6:20-cv-00296-ADA)

EXTERNAL

Counsel,

The Court provides the following preliminary constructions in advance of the Markman hearing. **Due to a conflict, and to the extent the parties want to argue any terms, the Court will reschedule this hearing for sometime next week during a lunch break of next week's trial. Please let me know ASAP if they parties want to argue any terms (no need to identify the term now, but just would like to know if you would like to have a hearing) and what day you would prefer.**

The purpose of preliminary constructions is to streamline the hearing by providing the parties an indication of the Court's current position for each term. Although the parties are, of course, free to argue for their originally proposed construction, it is generally unlikely that the Court will select a party's originally proposed construction over the preliminary construction. As such, the Court believes that making arguments to fine-tune the preliminary construction may be more helpful. The preliminary constructions are not final as the Court may change some those constructions based on the arguments at the hearing.

Of the below terms, please let me know what terms each side would like to argue two hours before the hearing. Each side may email their list separately (but please CC the other side) or jointly (please indicate which side, or both, wants to argue each term). Then, based on the parties' lists, the Court will provide the order of terms that the Court would like to hear arguments on. The Court will attempt to accommodate the parties' suggestions.

Also, at least 30 minutes before the hearing, please submit any slides the parties (and CC the other side) wish to use at the Markman hearing.

If you have any questions, please let me know. Thanks.

-Josh

P.S. To assist the court reporter (Kristie Davis, CC-ed), please email her a copy of your slides as soon as possible (it's okay if it's just a draft). When you email her, no need to CC the other side or the Court as it is purely to help her generate the transcript as quickly as possible.

Terms for Patents Asserted against Microchip only

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"region for performing said bumping process" and "probe region for performing a wafer test prior to performing said bumping process" ('173 Patent, Claim 9) [Proposed by Defendant]	No construction necessary, plain and ordinary meaning.	§ 112(6), means-plus-function **Functions**: (1) performing said bumping process; and (2) performing a wafer test prior to performing said bumping process, respectively **Structure**: (1) bumping region defined by passivation opening; and (2) probing region defined by passivation opening, respectively	Not subject to § 112, ¶ 6. Plain-and-ordinary meaning.
		further comprising forming a Si—Ge layer on the exposed portion	

"further comprising forming a Si—Ge layer on the exposed portion of the silicon substrate" / "further comprising" ('132 Patent, Claim 5) [Proposed by Defendant]	No construction necessary, plain and ordinary meaning.	of the silicon substrate, the Si—Ge layer different than the Si—Ge deposited on the silicon substrate Alternatively: plain and ordinary meaning so long as the jury is informed that (1) "depositing Si—Ge" and (2) "forming a Si—Ge layer" are two separate method steps1 Alternatively: "further comprising" means "including the additional step of"	Plain-and-ordinary meaning.

Joshua J. Yi, Ph.D.

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