

Case No. _____

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff-Petitioner,

V.

MICRON TECHNOLOGY, INC.,

Defendant-Respondent,

Petition for Permission to Appeal an Order from the United States District Court
for the Northern District of California in Case No. 3:14-cv-03657-SI,
Judge Susan Illston

**MLC INTELLECTUAL PROPERTY, LLC'S PETITION
FOR PERMISSION TO APPEAL
PURSUANT TO 28 U.S.C. § 1292(b)**

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October 28, 2019

CERTIFICATE OF INTEREST

Counsel for Plaintiff-Petitioner MLC Intellectual Property, LLC, certifies the following:

1. The full name of every party or amicus represented by the undersigned is:

MLC Intellectual Property, LLC.

2. The names of the real parties in interest represented by the undersigned is:

MLC Intellectual Property, LLC.

Robert Hinckley and Jerry Banks are members of MLC Intellectual Property, LLC.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by the undersigned is:

N/A

4. The name of the law firm and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

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Dated: October 28, 2019

By: /s/Fabio E. Marino

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INTRODUCTION

This case involves two important controlling questions of law, both at the heart of the district court's decision to exclude all of Plaintiff's damages evidence (including expert testimony) on the eve of trial, depriving Plaintiff-Petitioner MLC Intellectual Property LLC's ("MLC") of the opportunity to be "adequately compensated for infringement" if it prevails at trial. 35 U.S.C. §284.

First, in an issue of first impression, the district court invoked the parol evidence rule to exclude all evidence of the negotiations of the two licenses both parties' experts agree are comparable, to exclude the expert's royalty rate opinion. This Court should make clear that the parol evidence rule does not apply to a damages analysis under *Georgia-Pacific* analysis where an expert explains how a prior licensor and licensee derived a lump sum license agreement. Second, the district court excluded the expert's royalty base opinion holding that a patentee must apportion beyond a single-component (a bare die) of the smallest-salable-patent-practicing unit ("SSPPU") to account for different functions performed by that single-component—a question on which this Court has not yet provided guidance to the lower courts. This Court should make clear that no such additional apportionment is required. The result of the district court's decisions on these issues—and its refusal to allow MLC to provide a supplemental expert opinion—was that MLC's expert's testimony was excluded entirely.

By resolving these “controlling questions of law as to which there is substantial ground for difference of opinion” now, this Court will allow the district court on remand to either conduct a single trial on liability and damages or dispose of the entire case.

QUESTIONS PRESENTED

MLC’s petition to appeal the district court’s certified Damages Orders excluding MLC’s damages evidence raises two controlling issues of law:

1. May, in a *Georgia-Pacific* analysis based on comparable licenses and negotiations, the district court exclude all extrinsic evidence under the parol evidence rule?
2. Is it necessary, in calculating a reasonable royalty base for a structural claim, to apportion the royalty base beyond a single-component of the SSPPU?

STATEMENT OF FACTS

I. THE ASSERTED PATENT

The patent-in-suit, U.S. Patent No. 5,764,571, relates to a multi-level memory device (*e.g.*, a semiconductor chip). MLC alleges Defendant-Respondent Micron Technology, Inc.’s (“Micron”) Flash Memory devices infringe the structural claims of the patent-in-suit because they include the claimed structures.

In 2006 and 2007, MLC’s licensing agent, BTG International (“BTG”), negotiated lump-sum licenses with large semiconductor manufacturers, including

Hynix, Toshiba, and Samsung.¹ Contemporaneously, BTG also offered a license on analogous terms to Micron, but Micron refused. MLC renewed license negotiations with Micron in 2012, but Micron again refused to license, forcing MLC to bring suit.

II. MLC'S DAMAGES MODEL

MLC is seeking a reasonable royalty based on a *Georgia-Pacific* analysis using comparable licenses and related licensing negotiations involving the patent-in-suit. All prior licenses and evidence of licensing negotiations leading up to them were produced during fact discovery, and MLC identified such evidence as relevant to the *Georgia-Pacific* analysis in its discovery responses. Damages experts for both parties concluded that the Hynix and Toshiba Licenses were the most comparable to the hypothetical negotiation between BTG and Micron. Specifically, both licenses involve the patent-in-suit, the same licensor as the hypothetical licensor (*i.e.*, BTG), licensees that are similarly situated to Micron (*i.e.*, direct Micron competitors), and were negotiated during the same time as the hypothetical negotiation.

After analyzing the evidence produced in the case, conferring with MLC's technical expert, and conducting his own independent investigation, MLC's

¹ Samsung initially refused to take a license, but later agreed to license the patent after BTG initiated proceedings against it at the International Trade Commission ("ITC").

damages expert produced a report evaluating the comparable licenses and contemporaneous negotiation evidence, and opining on how the parties to the prior licenses likely derived the lump-sum license amounts, in order to reconstruct the hypothetical negotiation. The expert considered, among other things, evidence of licensing negotiations that took place during the hypothetical negotiation period and a “most favoured customer” clause in the Hynix License, which guaranteed Hynix a substantial reduction in payments if the patent portfolio was subsequently licensed at a “royalty rate . . . less than 0.25%.” Based on this clause and other evidence of contemporaneous license negotiations based on a 0.25% royalty rate, the expert chose 0.25% as a starting point in his *Georgia-Pacific* analysis. Separately, the expert determined that apportionment was not required as it was baked into the comparable license analysis.² Out of an abundance of caution, however, the expert also considered how the royalty base should be apportioned in the event apportionment of the royalty base may be required. The expert divided the accused Micron products into two groups: a SSPPU group consisting of bare dies, and a non-SSPPU group consisting of the remaining accused products—products that include additional components, such as external leads and plastic

² For instance, the comparable licenses covered a portfolio of related patents instead of just the patent-in-suit, and included worldwide rights instead of just U.S. rights. MLC’s damages expert acknowledged and accounted for these differences between the comparable licenses and the hypothetical license in adjusting his royalty rate opinion.

packaging. For the SSPPU group, the expert apportioned revenue for the accused products to include only the bare die, a single-component containing the infringing structures. The expert then determined the average selling prices (“ASP”) of the products in each group. Finally, to apportion the non-SSPPU group, he limited the revenue per die to the ASP per die associated with the SSPPU group, resulting in an apportionment factor of approximately 87.4% (*i.e.*, a discount of approximately 12.6%).

III. THE DISTRICT COURT’S DAMAGES ORDERS

This petition seeks interlocutory review of three district court orders—*Daubert* order (ADD110-116), *in limine* order (ADD117-140), and motion to strike (ADD109) (“Damages Orders”)—which culminated in the district court excluding the expert’s opinions on both royalty rate and royalty base. Specifically, the district court held that under the parol evidence rule, the expert could not rely on evidence of comparable licensing negotiations and could not rely on the Hynix and Toshiba licenses as a starting point because the licenses did not contain an explicit royalty rate or discussion of how the lump-sums were derived, and further because MLC did not specifically point to the most favored customer clause in the Hynix License (even though it both produced the license and identified it in its interrogatory responses). The court also excluded the expert’s royalty base opinions, finding he was required to apportion within the single-component SSPPU

(*i.e.*, the bare die) to account for different features (*e.g.*, error correction) of the component.

IV. INTERLOCUTORY APPEAL CERTIFICATION

Given the district court's Damages Orders and a subsequent denial of MLC's request to submit a supplemental damages report, MLC proposed certifying the Damages Orders for interlocutory appeal while Micron proposed filing a motion for summary judgment of no remedy. ADD98. The district court selected the summary judgment option first and stayed the trial date. ADD98. Ultimately, the district court found that although its Damages Orders "excluded all of [MLC's] expert evidence" and therefore "MLC . . . has no damages case to present at trial," the "more prudent course is to certify the Damages Orders for interlocutory appeal and to deny summary judgment" because, even "[a]ssuming infringement, the Court cannot conclude that it is undisputed that zero is the only reasonable royalty." ADD98; ADD101. The district court determined that "[i]nterlocutory review of the Damages Orders will result in either the ultimate conclusion of this case (if the Federal Circuit affirms) or a single trial on liability and damages (in the event of reversal); either way, interlocutory review is in the interest of judicial

economy and will save the parties a considerable amount of time and expense.”³
ADD102.

ARGUMENT

This Court should exercise its discretion under 28 U.S.C. § 1292(b) to review the important questions presented because: (1) the Damages Orders involve controlling questions of law; (2) there are substantial grounds for differences of opinion; and (3) certification will materially advance the ultimate termination of the litigation. *Fujitsu*, 539 F. App’x at 1006.

I. THE DAMAGES ORDERS PRESENT CONTROLLING QUESTIONS OF LAW

The Damages Orders raise controlling questions of law because their resolution “could materially affect the outcome of the litigation.” *In re Cement Antitrust Litig.*, 673 F.2d 1020, 1026 (9th Cir. 1982); *Fujitsu*, 539 F. App’x at 1007. Absent this Court granting interlocutory review, the parties and the district court will be forced to try the liability portion of this case, only for MLC to appeal the damages issue after final judgment. ADD102. Granting review, by contrast, will preserve judicial resources and resolve central issues in the lawsuit—avoiding

³ The Order denying summary judgment also denies “all other pending motions as moot,” including MLC’s *Daubert* motion against Micron’s damages expert (ADD108), a decision which further prevents the parties from obtaining a “clear-eyed view of their potential risks,” as explained below. *Fujitsu Ltd. v. Tellabs, Inc.*, 539 F. App’x 1005, 1008 (Fed. Cir. 2013) (O’Malley, J., dissenting).

the need for two separate trials and another appeal—one trial on liability, an appeal of the damages orders, and then a trial on damages—or by avoiding trial altogether. ADD102; *Regents of Univ. Cal v. Dako North Am.*, 477 F.3d 1335, 1336 (Fed. Cir. 2007) (“Any previous concerns that permitting a 1292(b) appeal might lead to premature reviews, followed by a later appeal on the same issue after further proceedings in the district court, hence multiple appeals, are not present here. On the contrary, our consideration of the claim construction in the present case now [...] would be an efficient use of judicial resources and would facilitate resolution of all of the claim construction disputes”); *United States v. Woodbury*, 263 F.2d 784, 787 (9th Cir. 1959) (“But we do not hold that a question brought here on interlocutory appeal must be dispositive of the lawsuit in order to be regarded as controlling.”).

This case is readily distinguishable from *Fujitsu v. Tellabs* and *Rembrandt Social Media, LP v. Facebook, Inc.*, 561 F. App’x 909 (Fed. Cir. 2014). **First**, the patents-in-suit in those cases were not expired, whereas the patent here is expired, and thus there is not a possibility of an injunction making damages the only remedy available to MLC at trial. **Second**, Fujitsu could still seek a reasonable royalty at trial because the interlocutory petition only involved lost profits. *See* Answer of Tellabs Operations, Inc. to Fujitsu Limited’s Petition for Permission to Appeal, Case No. 09-CV-4530, Doc. 7 at 12-13, 20 (“Fujitsu has not established a

substantial ground for difference of opinion concerning a controlling issue of law” and the “appropriate measure of damages to ‘fully compensate’ Fujitsu . . . is a reasonable royalty.”) By contrast, here MLC’s only remedy at trial is a reasonable royalty. **Third**, in *Rembrandt* the “district court did not even foreclose Rembrandt from presenting damages evidence apart from the excluded evidence, expressing ‘uncertainty’ about that possibility.” 561 F. App’x at 911. But here, the district court found that “MLC . . . has no damages case to present at trial” because the district court excluded **all** of MLC’s damages evidence and rejected MLC’s request to submit an amended expert report. ADD101; ADD102 Accordingly, unlike in *Fujitsu* and *Rembrandt*, this Court has a “firm basis for predicting that immediate review here would produce a saving of the court’s or litigants’ resources or shorten the time to complete resolution of the case.” *Rembrandt*, 561 F. App’x at 911.

II. THERE ARE SUBSTANTIAL GROUNDS FOR DIFFERENCE OF OPINIONS REGARDING THE QUESTIONS PRESENTED

A substantial ground for difference of opinion exists where “(1) the question is difficult, novel and either a question on which there is little precedent or one whose correct resolution is not substantially guided by previous decisions; (2) the question is difficult and of first impression; (3) a difference of opinion exists within the controlling circuit; or (4) the circuits are split on the question.” *In re Buccina*, 657 F. App’x 350, 351 (6th Cir. 2016) (quoting *In re Miedzianowski*, 735 F.3d 383, 384 (6th Cir. 2013)); *see also Heat Techs., Inc. v. Papierfabrik August*

Koehler Se, 2019 WL 3430477, at *2 (Fed. Cir. 2019) (a substantial ground for difference of opinion may exist for issues of first impression). The questions presented involve substantial grounds for difference of opinion with respect to this Court’s patent damages jurisprudence.

A. There Are Substantial Grounds for Difference of Opinion with the District Court’s Decision to Invoke the Parol Evidence Rule to Prevent MLC’s Damages Expert from Relying On Evidence of Comparable License Negotiations In His *Georgia-Pacific* Analysis

In an issue of first impression, the district court prohibited MLC’s damages expert from relying on extrinsic evidence of contemporaneous license negotiations between BTG and Hynix/Toshiba to reconstruct the hypothetical negotiation between BTG and Micron, to explain how the prior lump-sum licenses to MLC’s patent portfolio (which included the patent-in-suit) were derived, and to account for any differences between the licenses that would require further adjustments. Specifically, the district court excluded MLC from relying on any evidence outside the four-corners of the Hynix and Toshiba licenses, finding “the extrinsic evidence would not be admissible as parol evidence to interpret the license agreements.” ADD136, n.14; ADD140.

Estimating a reasonable royalty involves a hypothetical negotiation that requires reconstructing the market and “‘tries, as best as possible, to recreate the *ex ante* licensing negotiation scenario and to describe the resulting agreement.’” *Aqua Shield v. Inter Pool Cover Team*, 774 F.3d 766, 770 (Fed. Cir. 2014)

(quoting *Lucent Techs., Inc. v. Gateway, Inc.*, 580 F.3d 1301, 1324 (Fed. Cir. 2009)). In reconstructing the hypothetical negotiation, an expert may rely on evidence of comparable licenses and contemporaneous licensing negotiations to opine on what the hypothetical-licensor and the hypothetical-licensee might have agreed to before the start of infringement. See, e.g., *Commonwealth Scientific and Indus. Research Org. (CSIRO) v. Cisco*, 809 F.3d 1295 , 809 F.3d 1295, 1300, 1303-05. This Court has approved of the use of comparable licenses, license offers and license-based negotiation evidence to derive a reasonable royalty in a *Georgia-Pacific* analysis, even where comparability of the licenses was disputed. See, e.g., *id.*; *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1330 (Fed. Cir. 2014) (this Court has “never required identity of circumstances” when using past licenses and negotiations to reconstruct the hypothetical negotiation”); *Elbit Sys. Land and C4I v. Hughes Network Sys.*, 927 F.3d 1292, 1299 (Fed. Cir. 2019); *Studiengesellschaft Kohle, m.b.H. v. Dart Indus. Inc.*, 862 F.2d 1564, 1568 (Fed. Cir.1988) (“[T]he patentee’s usual licensing approach should be considered in assessing a reasonable royalty”); *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1326 (Fed. Cir.2014) (“whether these licenses are sufficiently comparable such that Motorola’s calculation is a reasonable royalty goes to the weight of the evidence, not its admissibility”).

Here, both damages experts agreed the Hynix and Toshiba licenses were the most comparable, and they considered the licenses' terms and extrinsic evidence of actual licensing negotiations involving the patent-in-suit to arrive at competing opinions. ADD135. Nevertheless, the district court excluded MLC from relying on any extrinsic evidence under the parol evidence rule, contradicting this Court's precedent permitting consideration of evidence outside the four-corners of a license to reconstruct the hypothetical negotiation and to assess comparability of those licenses. *See, infra*. The parol evidence rule is a rule of contract interpretation that "renders inadmissible evidence introduced to modify, supplement, or alter the terms of an integrated agreement" where the terms of the agreement are clear and unambiguous. *Barron Bancshares, Inc. v. U.S.*, 366 F.3d 1360, 1378-79 (Fed. Cir. 2004). But the rule does not apply in a *Georgia-Pacific* analysis where evidence of the actual negotiations of the comparable licenses are used to reconstruct the hypothetical negotiation. Indeed, the two cases cited by the court, *Barron* and *Transcore*, involved contract disputes, not a *Georgia-Pacific* analysis. ADD136, n.14. *Barron*, 336 F.3d at 1375-76; *Transcore, LP v. Electronic Transaction Consultants Corp.*, No. 3:05-cv-2316, 2008 WL 2152027, at *5 (N.D. Tex. May 22, 2008). The district court's decision thus appears to be the first to invoke the parol evidence rule to disallow consideration of extrinsic evidence surrounding comparable license negotiations in explaining the

hypothetical negotiation. This Court has consistently allowed experts to use evidence of prior licensing negotiations of comparable licenses to explain the hypothetical negotiation, and to the extent there is confusion in the law, this Court should clarify it.

If the Court agrees that the parol evidence rule does not apply in a *Georgia-Pacific* analysis, the Court should also decide the issue of whether further apportionment is required in light of *CSIRO* and *Elbit*. Here, the district court required a separate apportionment despite MLC's expert conducting a comparability analysis that accounted for the differences between the comparable and the hypothetical licenses, limiting *CSIRO* and *Elbit* to their facts. The district court's conclusion reflects confusion and uncertainty among lower courts regarding the holding of those cases. In *CSIRO*, this Court explained that apportionment principles are satisfied where a damages "model begins with rates from comparable licenses and then 'account[s] for differences in the technologies and economic circumstances of the contracting parties.'" *CSIRO*, 809 F.3d at 1303 (affirming comparable license approach where district court considered licensing negotiations, instead of executed licenses). *CSIRO* also found that to require "all damages models to begin with the [SSPPU]" is "untenable" and "conflicts with [] prior approvals of a methodology that values the asserted patent based on comparable licenses." *Id.* "Where the licenses employed are sufficiently

comparable, this method is typically reliable because the parties are constrained by the market's actual valuation of the patent.” *Id.*; see also *Ericsson*, 773 F.3d at 1228; *Exmark Mfg. Co. v. Briggs & Stratton Power Prods.*, 879 F.3d 1332, 1349 (Fed. Cir. 2018); *Elbit Sys.*, at 927 F.3d at 1299-1301; *Sprint Commc’ns Co., L.P. v. Time Warner Cable, Inc.*, 760 Fed. App’x 977, 983 (Fed. Cir. 2019). Moreover, in *Elbit*, this Court upheld an expert’s comparable license approach, finding it “consistent with our precedent concerning the apportionment requirement that a royalty should reflect the value of patented technology.” *Elbit*, 927 F.3d at 1301. In *Elbit*, the expert relied on a settlement agreement covering a different patent, different technology (an older satellite communication system), and different end products. *Id.* As the expert explained, “the requisite apportionment is *implicitly* considered within the royalty rate [of the agreement].” *Id.* (emphasis added).

Here, the district court found *CSIRO* and *Elbit* “involved very different facts than those presented here.” ADD114-115. Specifically, the court attempted to distinguish *CSIRO* because there the license “discussions centered on a license rate for” the patent-in-suit, and *Elbit* because the expert “accounted for differences between the prior agreement and the hypothetical license” in the comparability analysis, and therefore apportionment was “essentially embedded in the comparable value.” *Id.* But the *CSIRO* and *Elbit* holdings are not limited to the facts of those cases. Several district courts support this broad reading of *CSIRO*.

See, e.g., Opticurrent, LLC v. Power Integrations, Inc., 2019 WL 2389150 (N.D. Cal. June 5, 2019), at *9-10 (allowing comparability analysis where expert relied on multi-patent license, including the patent-in-suit, covering similar products despite disputes over comparability of license); *Core Wireless*, 2016 WL 8231157, *3 (finding apportionment satisfied where expert relied on comparable licenses, negotiating positions, and patentee's licensing policy to determine starting bargaining position); *Intel v. Future Link*, No. 14-377-LPS, 2017 WL 2482881 (D. Del. 2017) (apportionment satisfied where expert relied on four "sufficiently comparable" licenses involving *different* patents). And like in *Elbit*, MLC's expert testified that he found apportionment was embedded in the comparable license analysis and, moreover, like the expert in *Elbit*, he accounted for differences between the prior licenses and the hypothetical license.

This Court should clarify the requirement to apportion when comparable licenses are used in the hypothetical negotiation analysis. Where, as here, both parties agree the licenses used were comparable for *Georgia-Pacific* analysis purposes, disputes over comparability should go to the weight of the evidence, and should not be a basis for exclusion.⁴ *See Apple*, 757 F.3d at 1326.

⁴ It is worth noting that both *CSIRO* and *Elbit* involved extrinsic evidence. By using the parol evidence rule to exclude all extrinsic evidence, the district court has made it impossible to satisfy its own narrow factual standard. And although not a legal question for purposes of this Petition, the district court also violated MLC's due process rights by excluding *all* of MLC's expert's evidence on the grounds that

B. There Are Substantial Grounds for Difference of Opinions with the District Court’s Decision to Require Apportioning the Royalty Base of a Structural (Apparatus) Claim Beyond a Single-Component of a Smallest Saleable Patent Practicing Unit

For structural apparatus claims, the requirement to apportion the royalty base is a two-step process. First, the patentee must apportion by identifying the proper SSPPU. Second, if the SSPPU is a multi-component product, the patentee must further apportion down to a single-component of the SSPPU. That is, “a patentee’s obligation to apportion damages only to the patented features does not end with the identification of the smallest salable unit if that unit still contains significant unpatented features” *and* the patentee “*could have* apportioned a smaller per unit figure.” *Virnetx, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1329 (Fed. Cir. 2014). If, however, the SSPPU is a single-component product, the inquiry ends; there is not an additional step to further apportion if the apparatus includes additional functionalities.

Here, the district court required such an additional apportionment by concluding that MLC’s expert needed to apportion beyond the single-component SSPPU apparatus based on other functionalities of that single component. This requirement is not supported by the law. MLC demonstrated that the bare die of the accused semiconductor chip is the proper SSPPU and is a single-component

MLC did not sufficiently disclose in its discovery responses how the evidence produced in fact discovery would be relevant to its expert’s opinion. ADD140; ADD101-102.

product containing the infringing structures. But Micron “agree[s] that the SSPPU is a . . . bare die.” ADD110, n.1. Nevertheless, the district court required further apportionment beyond the single-component SSPPU based on Micron’s contention that the bare die contains non-patented functionalities.⁵

The district court’s decision here evidences the extent to which “[courts] . . . have struggled with whether and how to evaluate apportionment of the royalty base” due to the distinction between multi-component software products and single-component multi-function hardware products. *Dynetix Design Sols., Inc.*, 2013 WL 4538210, at *3 (N.D. Cal. Aug. 22, 2013). For example, in *MediaTek Inc. v. Freescale Semiconductor, Inc.*, 2014 WL 2854890, at *2-4 (N.D. Cal. 2014), the district court denied a motion to exclude testimony of the patentee’s damages expert and ruled that challenges to the expert’s use of an overall chip as the SSPPU (and whether the expert should have further apportioned the value of the patented feature to the overall chip) went to the weight and not admissibility since there was a factual dispute as to whether the chip was the SSPPU. The patentee argued there was no way, conceptually or practically, to separate the

⁵ Even if Micron were to attempt to change course and argue the bare die is not the proper SSPPU or is a multi-component product, it did not offer any evidence to support an alternative SSPPU. Thus, it did not meet its burden. *See, e.g., MediaTek Inc. v. Freescale Semiconductor, Inc.*, 2014 WL 2854890, at *2-4 (N.D.Cal. 2014) (holding that once the patentee meets its apportionment burden by identifying the proper SSPPU as a single-component product, the burden shifts to the accused infringer to put forth evidence that it is an improper SSPPU and “evidence to support an alternative”).

patent practicing features of the accused chips from the remainder of the chip. *Id.* Because, the accused processor chips were sold as a single unit and constituted the SSPPU, the damages expert “used the market value of [the] accused chips as the appropriate royalty base, and did not conduct” a further apportionment analysis. *Id.* The accused infringer contended the patents “read only on a portion of the accused products, which contain numerous other components,” and that the patentee’s expert’s analysis was flawed for failing to apportion damages to the components of the chips that allegedly practiced the patents, rather the entire chip. *Id.*

The court found there was a disputed issue requiring further evidence to determine whether, “in light of the nature of the patented technologies at issue and their use on the alleged infringing chips, it would be possible to apportion the value of the patent-practicing technology compared to that of the apparent smallest salable unit here, the chip.” *Id.* at *4. The court held the accused infringer’s arguments bore on the weight to be afforded the testimony rather than its reliability. *Id.* at *4 (citing *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286 (Fed. Cir. 2014) (reversing decision to exclude expert testimony where challenge to basis for royalty rate went to evidentiary weight, not admissibility, which could be addressed on cross-examination); see also *SIMO Holdings Inc. v. Hong Kong uCloudlink Network Tech. Limited*, 2019 WL 4051694, at *5-6 (S.D.N.Y. Aug. 28,

2019) (explaining that accused infringer’s suggestion “that the reasonable royalty should be based only on the Infringing Devices, rather [than] on the data access that the infringement makes possible, is simply to ignore economic reality,” and holding that “[c]ontrary to defendants’ arguments, [patentee’s expert] was not obligated to subtract any unpatented elements” as that “is only one permissible way to apportion damages”); *Solutran, Inc. v. U.S. Bancorp*, 2019 WL 405513, at *15-18 (D. Minn. Jan. 18, 2019) (rejecting accused infringer’s arguments that patentee’s damages expert failed to apportion out the value of unpatented components and failed to apportion out the value of conventional elements, finding expert’s accused infringer “had ample opportunity during trial to cast doubt upon [the expert’s] calculation through cross-examination and counter-expert testimony”) (citing *Finjan, Inc. v. Secure Computing Corp.*, 626 F.3d 1197, 1212 (Fed. Cir. 2010) (upholding jury damages award “[d]espite potential flaws in [the patentee’s] damages theory” because “the jury was entitled to hear the expert testimony and decide for itself what to accept or reject”)); *Realtime Data LLC v. EchoStar Corp.*, 2018 WL 6266301, at *7-9 (E.D. Tex. Nov. 15, 2018) (accused infringer’s criticisms regarding patentee’s expert’s “inclusion of unpatented features largely go to the credibility of his opinion, rather than its admissibility”).

The district court here based its decision on two cases that involved multi-component software products, not single-component hardware products. *See*

Finjan, 879 F.3d at 1311; *Dynetix Design Sols., Inc. v. Synopsys, Inc.*, 2013 WL 4538210, at *3 (N.D. Cal. Aug. 22, 2013). For hardware products, the patentee must apportion to the SSPPU, and if the SSPPU is a multi-component product, it must further apportion to a single-component. But when, as here, the SSPPU is a single-component, no further apportionment is required even if the component contains non-patented functions that cannot, as a conceptual or practical matter, be separated from the hardware.

III. IMMEDIATE APPEAL WILL MATERIALLY ADVANCE THE ULTIMATE TERMINATION OF THIS LITIGATION

Granting interlocutory review will materially advance the ultimate termination of the litigation. The district court's decision to exclude *all* of MLC's damages evidence is final, and without the evidence, MLC cannot establish a reasonable royalty at trial. As a result, MLC cannot be "adequately compensated for infringement" if it prevails at trial. 35 U.S.C. §284. Interlocutory review of the controlling legal issues raised in this Petition will prevent a waste of judicial and party resources. *See Waldemar Link, GmbH & Co. v. Osteonics Corp.*, 14 F.3d 612 (Fed. Cir. 1993) (unpublished) (granting interlocutory appeal where district court noted "its judicial resources would be wasted by a trial concerning the best mode issue if its priority date determination was incorrect"). This case is distinguishable from prior damages-related petitions denied by this Court and raises important controlling issues of law that should be addressed to expedite the

termination of this case.

IV. RELIEF SOUGHT AND CONCLUSION

For the foregoing reasons, MLC respectfully requests the Court grant interlocutory review of the district court's Damages Orders.

Dated: October 28, 2019

By: /s/ Fabio E. Marino

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ADDENDUM

ADDENDUM PAGES	DOCUMENT
ADD1 – ADD94	District Court Docket Sheet for Case No. 3:14-cv-03657-SI, as of 10-24-2019
ADD95 – ADD108	Docket No. 711: Order Certifying Damages Orders for Interlocutory Appeal, 10-17-2019
ADD109	Docket No. 672: Order Re: Micron’s Motion to Strike Milani Report and Denying as Moot MLC’s Damages Motion, 7-12-2019
ADD110 – ADD116	Docket No. 668: Order Granting Micron’s Daubert Motion to Exclude Expert Testimony of Milani, 7-12-2019
ADD117 – ADD140	Docket No. 639: Order Granting-Denying in Part as Moot Micron’s Damages Motion in Limine #1, 7-2-2019

ADDENDUM

CASE DOCKET FOR
3:14-cv-03657-SI (N.D. Cal.)

ADRMOP,AO279,MEDTERM,REFSET-JSC,RELATE

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:14-cv-03657-SI**

MLC Intellectual Property, LLC v. Micron Technology, Inc. Date Filed: 08/12/2014
Assigned to: Hon. Susan Illston Jury Demand: Both
Referred to: Magistrate Judge Joseph C. Spero Nature of Suit: 830 Patent
Magistrate Judge Jacqueline Scott Corley Jurisdiction: Federal Question
(Settlement)
Relate Case Cases: [3:19-mc-80047-SI](#)
[3:19-mc-80052-SI](#)
Cause: 35:145 Patent Infringement

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Robert E. Freitas
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Date Filed	#	Docket Text
08/12/2014	<u>1</u>	COMPLAINT <i>for Patent Infringement</i> against Micron Technology, Inc. (Filing fee \$ 400, receipt number 0971-8840572.). Filed byMLC Intellectual Property, LLC. (Attachments: # <u>1</u> Exhibit A - U.S. Patent No. 5,764,571, # <u>2</u> Civil Cover Sheet)(Weinberg, Daniel) (Filed on 8/12/2014) (Entered: 08/12/2014)
08/12/2014	<u>2</u>	Certificate of Interested Entities by MLC Intellectual Property, LLC (Weinberg, Daniel) (Filed on 8/12/2014) (Entered: 08/12/2014)
08/13/2014	<u>3</u>	Proposed Summons. (Weinberg, Daniel) (Filed on 8/13/2014) (Entered: 08/13/2014)
08/13/2014	4	Case assigned to Magistrate Judge Jacqueline Scott Corley. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For

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		<p>information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening.</p> <p>Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (as, COURT STAFF) (Filed on 8/13/2014) (Entered: 08/13/2014)</p>
08/14/2014	<u>5</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 11/13/2014. Case Management Conference set for 11/20/2014 01:30 PM in Courtroom F, 15th Floor, San Francisco. (slhS, COURT STAFF) (Filed on 8/14/2014) (Entered: 08/14/2014)
08/14/2014	<u>6</u>	Summons Issued as to Micron Technology, Inc.. (slhS, COURT STAFF) (Filed on 8/14/2014) (Entered: 08/14/2014)
08/14/2014	<u>7</u>	REPORT on the filing of an action regarding patent infringement (cc: form mailed to register). (slhS, COURT STAFF) (Filed on 8/14/2014) (Entered: 08/14/2014)
08/25/2014	<u>8</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by MLC Intellectual Property, LLC.. (Weinberg, Daniel) (Filed on 8/25/2014) (Entered: 08/25/2014)
08/25/2014	<u>9</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (tlS, COURT STAFF) (Filed on 8/25/2014) (Entered: 08/25/2014)
08/26/2014	<u>10</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Susan Illston for all further proceedings. Magistrate Judge Jacqueline Scott Corley no longer assigned to the case.. Signed by Executive Committee on 8/26/14. (as, COURT STAFF) (Filed on 8/26/2014) (Entered: 08/26/2014)
08/28/2014	<u>11</u>	CLERK'S NOTICE Initial Case Management Conference set for 11/21/2014 02:30 PM in Courtroom 10, 19th Floor, San Francisco. Counsel shall comply with the attached order when preparing for the confernce. (tfS, COURT STAFF) (Filed on 8/28/2014) (Entered: 08/28/2014)
09/05/2014	<u>12</u>	STIPULATION <i>To Extend Time To Respond To Initial Complaint</i> filed by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 9/5/2014) (Entered: 09/05/2014)
10/15/2014	<u>13</u>	<i>Micron Technology, Inc.'s</i> ANSWER to Complaint with Jury Demand , COUNTERCLAIM against MLC Intellectual Property, LLC by Micron Technology, Inc.. (Fraizer, Tamara) (Filed on 10/15/2014) (Entered: 10/15/2014)
10/15/2014	<u>14</u>	Certificate of Interested Entities by Micron Technology, Inc. (Fraizer, Tamara) (Filed on 10/15/2014) (Entered: 10/15/2014)
10/20/2014	<u>15</u>	MOTION for leave to appear in Pro Hac Vice of Adam R. Shartzter (Filing fee \$ 305, receipt number 0971-9009042.) filed by Micron Technology, Inc..

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		(Shartzer, Adam) (Filed on 10/20/2014) Modified on 10/21/2014 (ysS, COURT STAFF). (Entered: 10/20/2014)
10/21/2014	16	MOTION for leave to appear in Pro Hac Vice of Timothy Riff (Filing fee \$ 305, receipt number 0971-9012280.) filed by Micron Technology, Inc.. (Riffe, Timothy) (Filed on 10/21/2014) Modified on 10/22/2014 (ysS, COURT STAFF). (Entered: 10/21/2014)
10/22/2014	17	ORDER by Judge Susan Illston granting 15 Motion for Pro Hac Vice (tfS, COURT STAFF) (Filed on 10/22/2014) (Entered: 10/22/2014)
10/22/2014	18	ORDER by Judge Susan Illston granting 16 Motion for Pro Hac Vice (tfS, COURT STAFF) (Filed on 10/22/2014) (Entered: 10/22/2014)
10/31/2014	19	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Riffe, Timothy) (Filed on 10/31/2014) (Entered: 10/31/2014)
10/31/2014	20	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Freitas, Robert) (Filed on 10/31/2014) (Entered: 10/31/2014)
10/31/2014	21	STIPULATION and Proposed Order selecting Mediation by MLC Intellectual Property, LLC filed by MLC Intellectual Property, LLC. (Freitas, Robert) (Filed on 10/31/2014) (Entered: 10/31/2014)
11/04/2014	22	ORDER REFERRING CASE to Mediation., Motions terminated: 21 STIPULATION and Proposed Order selecting Mediation by MLC Intellectual Property, LLC filed by MLC Intellectual Property, LLC.. Signed by Judge Susan Illston on 11/3/14. (tfS, COURT STAFF) (Filed on 11/4/2014) (Entered: 11/04/2014)
11/10/2014	23	<i>MLC Intellectual Property, LLC's ANSWER to 13 Micron Technology, Inc.'s COUNTERCLAIMS</i> by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 11/10/2014) Modified on 11/12/2014 (ysS, COURT STAFF). (Entered: 11/10/2014)
11/13/2014	24	ADR Clerk's Notice Appointing Alexander L. Brainerd as Mediator. (af, COURT STAFF) (Filed on 11/13/2014) (Entered: 11/13/2014)
11/14/2014	25	<i>Initial Joint Case Management Conference Statement</i> filed by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 11/14/2014) Modified on 11/17/2014 (ysS, COURT STAFF). (Entered: 11/14/2014)
11/25/2014	26	Minute Entry for proceedings held before Hon. Susan Illston: Initial Case Management Conference held on 11/21/2014. (Date Filed: 11/25/2014) Further Case Management Conference set for 3/20/2015 03:00 PM in Courtroom 10, 19th Floor, San Francisco. Markman hearing set for 6/17/2015 03:30 PM. Tutorial Hearing set for 6/10/2015 03:30 PM.Court Reporter Name or FTR Time n/a. (tfS, COURT STAFF) (Entered: 11/25/2014)
12/29/2014	27	MOTION to Stay <i>Pending Inter Partes Review</i> filed by Micron Technology, Inc.. Motion Hearing set for 2/6/2015 09:00 AM in Courtroom 10, 19th Floor, San Francisco before Hon. Susan Illston. Responses due by 1/12/2015. Replies due by 1/20/2015. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B,

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		# 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Proposed Order)(Fraizer, Tamara) (Filed on 12/29/2014) (Entered: 12/29/2014)
01/12/2015	28	RESPONSE/Opposition to (re 27 MOTION to Stay <i>Pending Inter Partes Review</i>) filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration of Daniel J. Weinberg in Support of Opposition to Motion to Stay, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Weinberg, Daniel) (Filed on 1/12/2015) Modified on 1/13/2015 (ysS, COURT STAFF). (Entered: 01/12/2015)
01/16/2015	29	REPLY to 28 Opposition/Response to (re 27 MOTION to Stay <i>Pending Inter Partes Review</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of T. Fraizer ISO Micron's Motion to Stay, # 2 Exhibit A to Decl of T. Fraizer, # 3 Exhibit B to Decl of T. Fraizer, # 4 Exhibit C to Decl of T. Fraizer)(Fraizer, Tamara) (Filed on 1/16/2015) Modified on 1/20/2015 (ysS, COURT STAFF). (Entered: 01/16/2015)
02/03/2015	30	STIPULATION WITH PROPOSED ORDER <i>Joint Stipulation and [Proposed] Order Regarding Briefing Schedule for the Claim Construction Hearing</i> filed by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 2/3/2015) (Entered: 02/03/2015)
02/03/2015	31	ORDER GRANTING DEFENDANT'S MOTION TO STAY re 27 , 30 . The parties shall file a joint status report, advising as to the status of the IPR proceeding, every 90 days from the date of this order. In addition, the parties shall file a joint status report within seven days of the PTO issuing its decision on whether to institute the IPR challenging the patent-in-suit, informing the Court of the PTOs decision. (Illston, Susan) (Filed on 2/3/2015) Modified on 2/4/2015 (ysS, COURT STAFF). (Entered: 02/03/2015)
02/04/2015		Tutorial and Claim Construction vacated due to stay (tfS, COURT STAFF) (Filed on 2/4/2015) (Entered: 02/04/2015)
02/17/2015	32	CERTIFICATION OF MEDIATION Session 1/27/2015, case not settled, mediation complete. By Mediator, Alexander L. Brainerd, dated 2/12/2015. (af, COURT STAFF) (Filed on 2/17/2015) (Entered: 02/17/2015)
05/01/2015	33	STATUS REPORT <i>The Parties' Joint Notice of IPR Status</i> by Micron Technology, Inc.. (Fraizer, Tamara) (Filed on 5/1/2015) (Entered: 05/01/2015)
07/27/2015	34	STATUS REPORT <i>Joint Status Report Regarding Inter Partes Review Institution Decision</i> by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit A - Institution Decision)(Weinberg, Daniel) (Filed on 7/27/2015) (Entered: 07/27/2015)
07/28/2015	35	ORDER continuing stay until 9/30/15, joint statement due 9/25/15.. Signed by Judge Susan Illston on 7/27/15. (tfS, COURT STAFF) (Filed on 7/28/2015) (Entered: 07/28/2015)
09/22/2015	36	NOTICE of Substitution of Counsel by Michael Richard Headley (Headley, Michael) (Filed on 9/22/2015) (Entered: 09/22/2015)
09/25/2015	37	

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		STATUS REPORT <i>Joint Report Regarding Inter Partes Review</i> by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 9/25/2015) (Entered: 09/25/2015)
09/28/2015	38	ORDER extending stay to 10/30/15, joint statement due 10/26/15. Signed by Judge Susan Illston on 9/28/15. (tfS, COURT STAFF) (Filed on 9/28/2015) (Entered: 09/28/2015)
10/26/2015	39	STATUS REPORT <i>Joint Status Report Regarding Inter Partes Review</i> by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 10/26/2015) (Entered: 10/26/2015)
02/24/2016	40	MOTION to Lift Stay filed by MLC Intellectual Property, LLC. Motion Hearing set for 4/15/2016 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 3/9/2016. Replies due by 3/16/2016. (Attachments: # 1 Declaration of Daniel J. Weinberg, # 2 Exhibit A, # 3 Proposed Order)(Weinberg, Daniel) (Filed on 2/24/2016) (Entered: 02/24/2016)
03/09/2016	41	RESPONSE (re 40 MOTION to Lift Stay) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Michael Headley, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E)(Headley, Michael) (Filed on 3/9/2016) (Entered: 03/09/2016)
03/16/2016	42	REPLY (re 40 MOTION to Lift Stay) filed by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 3/16/2016) (Entered: 03/16/2016)
03/29/2016	43	ORDER GRANTING PLAINTIFF'S MOTION TO LIFT STAY AND SETTING CASE MANAGEMENT CONFERENCE FOR APRIL 15, 2016 AT 3:00 PM 40 .(Illston, Susan) (Filed on 3/29/2016) (Entered: 03/29/2016)
03/29/2016	44	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 4/15/2016 03:00 PM in Courtroom 1, 17th Floor, San Francisco. The Joint Case Management Conference Statement shall be filed on or before 4/8/16. (tfS, COURT STAFF) (Filed on 3/29/2016) (Entered: 03/29/2016)
04/07/2016	45	STIPULATION WITH PROPOSED ORDER <i>to Continue Case Management Conference</i> filed by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 4/7/2016) (Entered: 04/07/2016)
04/11/2016	46	ORDER Further Case Management Conference set for 4/15/16 has been continued to 5/6/2016 03:00 PM in Courtroom 1, 17th Floor, San Francisco.. Signed by Judge Susan Illston on 4/11/16. (tfS, COURT STAFF) (Filed on 4/11/2016) (Entered: 04/11/2016)
04/29/2016	47	JOINT CASE MANAGEMENT STATEMENT filed by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit A)(Weinberg, Daniel) (Filed on 4/29/2016) (Entered: 04/29/2016)
05/06/2016	48	JOINT CASE MANAGEMENT STATEMENT filed by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit A)(Weinberg, Daniel) (Filed on 5/6/2016) (Entered: 05/06/2016)

ADD12

05/09/2016	<u>49</u>	Minute Entry for proceedings held before Hon. Susan Illston: Further Case Management Conference held on 5/6/2016. Claims Construction Hearing set for 10/5/2016 03:30 PM. Tutorial Hearing set for 9/28/2016 03:30 PM in Courtroom 1, 17th Floor, San Francisco.Total Time in Court 16 minutes. Court Reporter Name n/a. (tfS, COURT STAFF) (Date Filed: 5/9/2016) (Entered: 05/09/2016)
05/27/2016	<u>50</u>	MOTION for Leave to Supplement Invalidity Contentions filed by Micron Technology, Inc.. Motion Hearing set for 7/8/2016 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 6/10/2016. Replies due by 6/17/2016. (Attachments: # <u>1</u> Declaration of Michael Headley, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Proposed Order)(Headley, Michael) (Filed on 5/27/2016) (Entered: 05/27/2016)
06/08/2016	<u>51</u>	STIPULATION WITH PROPOSED ORDER <i>Stipulation and [Proposed] Order To Extend Deadline To Exchange Preliminary Claim Constructions And Extrinsic Evidence Pursuant To Patent L.R. 4-2</i> filed by MLC Intellectual Property, LLC. (Weinberg, Daniel) (Filed on 6/8/2016) (Entered: 06/08/2016)
06/09/2016	<u>52</u>	ORDER by Judge Susan Illston granting <u>51</u> STIPULATION WITH PROPOSED ORDER Stipulation and [Proposed] Order To Extend Deadline To Exchange Preliminary Claim Constructions And Extrinsic Evidence Pursuant To Patent L.R. 4-2. (tfS, COURT STAFF) (Filed on 6/9/2016) (Entered: 06/09/2016)
06/10/2016	<u>53</u>	RESPONSE (re <u>50</u> MOTION for Leave to Supplement Invalidity Contentions) <i>MLC Intellectual Property, LLC's Opposition to Motion for Leave to Supplement Invalidity Contentions</i> filed byMLC Intellectual Property, LLC. (Attachments: # <u>1</u> Declaration of Daniel J. Weinberg, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B [1 of 2], # <u>4</u> Exhibit B [2 of 2], # <u>5</u> Exhibit C [1 of 2], # <u>6</u> Exhibit C [2 of 2], # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Supplement F)(Weinberg, Daniel) (Filed on 6/10/2016) (Entered: 06/10/2016)
06/13/2016	<u>54</u>	NOTICE of Appearance by Jason Sheffield Angell <i>on behalf of plaintiff MLC Intellectual Property, LLC</i> (Angell, Jason) (Filed on 6/13/2016) (Entered: 06/13/2016)
06/17/2016	<u>55</u>	REPLY (re <u>50</u> MOTION for Leave to Supplement Invalidity Contentions) filed byMicron Technology, Inc.. (Attachments: # <u>1</u> Declaration of Michael Headley, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M)(Headley, Michael) (Filed on 6/17/2016) (Entered: 06/17/2016)
06/29/2016	<u>56</u>	MOTION & [PROPOSED] ORDER for leave to appear in Pro Hac Vice of <i>Jonathan Bright</i> (Filing fee \$ 305, receipt number 0971-10568567.) filed by Micron Technology, Inc.. (Attachments: # <u>1</u> Exhibit - Certificate of Good Standing)(Bright, Jonathan) (Filed on 6/29/2016) Modified on 6/30/2016 (aaaS, COURT STAFF). (Entered: 06/29/2016)

ADD13

06/30/2016	<u>57</u>	ORDER by Judge Susan Illston granting <u>56</u> Motion for Pro Hac Vice. (tfs, COURT STAFF) (Filed on 6/30/2016) (Entered: 06/30/2016)
07/01/2016	<u>58</u>	CLAIM CONSTRUCTION STATEMENT <i>Pat. L.R. 4-3 Joint Claim Construction and Pre-Hearing Statement</i> filed by MLC Intellectual Property, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Angell, Jason) (Filed on 7/1/2016) (Entered: 07/01/2016)
07/05/2016	<u>59</u>	MOTION for Summary Judgment of <i>Invalidity</i> filed by Micron Technology, Inc.. Motion Hearing set for 8/12/2016 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 7/19/2016. Replies due by 7/26/2016. (Attachments: # <u>1</u> Declaration of Michael Headley, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E (McAlexander Dec.), # <u>7</u> Exhibit 1 to Ex E (McAlexander Dec), # <u>8</u> Exhibit 2 to Ex E (McAlexander Dec), # <u>9</u> Exhibit 3 to Ex E (McAlexander Dec), # <u>10</u> Exhibit 4 to Ex E (McAlexander Dec), # <u>11</u> Exhibit 5-Part 1 to Ex E (McAlexander Dec), # <u>12</u> Exhibit 5-Part 2 to Ex E (McAlexander Dec), # <u>13</u> Exhibit 5-Part 3 to Ex E (McAlexander Dec), # <u>14</u> Exhibit 5-Part 4 to Ex E (McAlexander Dec), # <u>15</u> Exhibit 5-Part 5 to Ex E (McAlexander Dec), # <u>16</u> Exhibit 5-Part 6 to Ex E (McAlexander Dec), # <u>17</u> Exhibit 6 to Ex E (McAlexander Dec), # <u>18</u> Proposed Order)(Headley, Michael) (Filed on 7/5/2016) (Entered: 07/05/2016)
07/06/2016	<u>60</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 305, receipt number 0971-10585352.) filed by Micron Technology, Inc.. (Attachments: # <u>1</u> Certificate of Good Standing)(Nguyen, Anthony) (Filed on 7/6/2016) (Entered: 07/06/2016)
07/06/2016	<u>61</u>	ORDER DENYING DEFENDANT'S MOTION FOR LEAVE TO SUPPLEMENT INVALIDITY CONTENTIONS <u>50</u> . (Illston, Susan) (Filed on 7/6/2016) (Entered: 07/06/2016)
07/07/2016	<u>62</u>	ORDER by Judge Susan Illston granting <u>60</u> Motion for Pro Hac Vice. (tfs, COURT STAFF) (Filed on 7/7/2016) (Entered: 07/07/2016)
07/13/2016	<u>63</u>	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 305, receipt number 0971-10603521.) filed by Micron Technology, Inc. (Attachments: # <u>1</u> Exhibit - Certificate of Good Standing)(Schwentker, Robert Andrew) (Filed on 7/13/2016) Modified on 8/10/2018 (mcIS, COURT STAFF). (Entered: 07/13/2016)
07/13/2016	<u>64</u>	ORDER by Judge Susan Illston granting <u>63</u> Motion for Pro Hac Vice. (tfs, COURT STAFF) (Filed on 7/13/2016) (Entered: 07/13/2016)
07/19/2016	<u>65</u>	RESPONSE (re <u>59</u> MOTION for Summary Judgment of <i>Invalidity</i>) <i>MLC Intellectual Property, LLCs Opposition To Defendant Micron Technology, Inc.s Motion For Summary Judgment</i> filed byMLC Intellectual Property, LLC. (Freitas, Robert) (Filed on 7/19/2016) (Entered: 07/19/2016)
07/26/2016	<u>66</u>	REPLY (re <u>59</u> MOTION for Summary Judgment of <i>Invalidity</i>) filed byMicron Technology, Inc.. (Attachments: # <u>1</u> Declaration of Michael Headley, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u>

ADD14

		Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I)(Headley, Michael) (Filed on 7/26/2016) (Entered: 07/26/2016)
07/29/2016	67	AMENDED DOCUMENT by Micron Technology, Inc.. Amendment to 58 Claim Construction Statement -- <i>Notice of Micron Technology Inc's Amendment to Pat. L.R. 4-3 Joint Claim Construction and Pre-Hearing Statement Exhibit B.</i> (Attachments: # 1 Exhibit B Amended)(Headley, Michael) (Filed on 7/29/2016) (Entered: 07/29/2016)
08/09/2016	68	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 59 MOTION for Summary Judgment of Invalidity. Motion Hearing set for 8/12/2016 10:00 AM (instead of 9:00 a.m.) in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 8/9/2016) (Entered: 08/09/2016)
08/09/2016	69	STIPULATION WITH PROPOSED ORDER <i>Stipulation and [Proposed] Order to Continue the Dates for Claim Construction Briefing, Technology Tutorial, and Claim Construction Hearing</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration of Daniel Weinberg in Support of Stipulation and [Proposed] Order to Continue Dates)(Weinberg, Daniel) (Filed on 8/9/2016) (Entered: 08/09/2016)
08/09/2016	70	ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT WITHOUT PREJUDICE TO RENEWAL AFTER CLAIM CONSTRUCTION 59 . (Illston, Susan) (Filed on 8/9/2016) (Entered: 08/09/2016)
08/10/2016	71	ORDER by Judge Susan Illston denying 69 Stipulation as unnecessary. (tfS, COURT STAFF) (Filed on 8/10/2016) (Entered: 08/10/2016)
08/11/2016		8/12/16 motion hearing vacated (tfS, COURT STAFF) (Filed on 8/11/2016) (Entered: 08/11/2016)
08/15/2016	72	Brief <i>MLC Intellectual Property, LLC's Claim Construction Brief</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit A, # 2 Declaration of Jack Lee, # 3 Exhibit A - CV, # 4 Exhibit B - List of Materials, # 5 Exhibit C, # 6 Declaration of Daniel J. Weinberg, # 7 Exhibit 1, # 8 Exhibit 2, # 9 Exhibit 3)(Angell, Jason) (Filed on 8/15/2016) (Entered: 08/16/2016)
08/19/2016	73	CLERK'S NOTICE : The claims construction hearing will proceed immediately after the tutorial. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Claims Construction Hearing set for 9/28/2016 10:30 AM. Tutorial Hearing set for 9/28/2016 10:30 AM in Courtroom 1, 17th Floor, San Francisco. (tfS, COURT STAFF) (Filed on 8/19/2016) (Entered: 08/19/2016)
08/25/2016	74	MOTION to Withdraw <i>as Counsel</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 9/30/2016 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 9/8/2016. Replies due by 9/15/2016. (Attachments: # 1 Proposed Order)(Angell, Jason) (Filed on 8/25/2016) Modified on 8/26/2016 (ysS, COURT STAFF). (Entered: 08/25/2016)

ADD15

08/29/2016	75	Brief - <i>Defendant Micron Technology's Responsive Claim Construction Brief</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Michael Headley, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D)(Headley, Michael) (Filed on 8/29/2016) (Entered: 08/29/2016)
09/02/2016		Administrative docket maintenance. (tfS, COURT STAFF) (Filed on 9/2/2016) (Entered: 09/02/2016)
09/06/2016	76	Brief <i>Reply Claim Construction Brief</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration of Daniel J. Weinberg, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Declaration Supplemental Declaration of Jack Lee)(Weinberg, Daniel) (Filed on 9/6/2016) (Entered: 09/06/2016)
09/15/2016	77	EXHIBITS / <i>Declaration of Joseph McAlexander in Support of 75 Micron's Responsive Claim Construction Brief (CORRECTED VERSION of Dkt. No. 75-2 Ex. A to the Declaration of Michael Headley in Support of Micron's Responsive Claim Construction Brief)</i> filed by Micron Technology, Inc.. (Headley, Michael) (Filed on 9/15/2016) (Entered: 09/15/2016)
09/15/2016	78	NOTICE by Micron Technology, Inc. of Filing of 77 <i>CORRECTED Declaration of Joseph McAlexander in Support of 75 Micron's Responsive Claim Construction Brief</i> (Attachments: # 1 Exhibit A)(Headley, Michael) (Filed on 9/15/2016) (Entered: 09/15/2016)
09/26/2016	79	CLERK'S NOTICE Continuing Motion Hearing, Set/Reset Deadlines as to 74 MOTION to Withdraw <i>Motion to Withdraw as Counsel</i> . Motion Hearing set for 9/28/2016 10:30 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 9/26/2016) (Entered: 09/26/2016)
09/26/2016	80	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 305, receipt number 0971-10799748.) filed by Micron Technology, Inc.. (Attachments: # 1 Exhibit - Certificate of Good Standing)(Cordell, Ruffin) (Filed on 9/26/2016) (Entered: 09/26/2016)
09/26/2016	81	NOTICE of Appearance by Fabio Elia Marino (Marino, Fabio) (Filed on 9/26/2016) (Entered: 09/26/2016)
09/26/2016	82	NOTICE of Appearance by Laura Kieran Kieckhefer (Kieckhefer, Laura) (Filed on 9/26/2016) (Entered: 09/26/2016)
09/26/2016	83	NOTICE of Appearance by Barrington E Dyer (Dyer, Barrington) (Filed on 9/26/2016) (Entered: 09/26/2016)
09/26/2016	84	NOTICE of Change In Counsel by Laura Kieran Kieckhefer (Kieckhefer, Laura) (Filed on 9/26/2016) (Entered: 09/26/2016)
09/27/2016	85	ORDER by Judge Susan Illston granting 80 Motion for Pro Hac Vice (Cordell, Ruffin). (tfS, COURT STAFF) (Filed on 9/27/2016) (Entered: 09/27/2016)
09/27/2016	86	

ADD16

		ORDER by Judge Susan Illston granting 74 MOTION to Withdraw as Counsel filed by MLC Intellectual Property, LLC.. (tfS, COURT STAFF) (Filed on 9/27/2016) (Entered: 09/27/2016)
09/29/2016	87	Minute Entry for proceedings held before Hon. Susan Illston: Claims Construction / Markman Hearing held on 9/28/2016, Tutorial Hearing held on 9/28/2016.Total Time in Court 4:15. Court Reporter Name Jo Ann Bryce. (tfS, COURT STAFF) (Date Filed: 9/29/2016) (Entered: 09/29/2016)
09/29/2016	88	TRANSCRIPT ORDER for proceedings held on 09-28-2016 before Hon. Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Jo Ann Bryce. (Marino, Fabio) (Filed on 9/29/2016) (Entered: 09/29/2016)
09/29/2016		Set Deadlines/Hearings: Further Case Management Conference set for 10/14/2016 03:00 PM in Courtroom 1, 17th Floor, San Francisco. (ysS, COURT STAFF) (Filed on 9/29/2016) (Entered: 09/30/2016)
09/30/2016	89	TRANSCRIPT ORDER for proceedings held on 09/28/2016 before Hon. Susan Illston by Micron Technology, Inc., for Court Reporter Jo Ann Bryce. (Headley, Michael) (Filed on 9/30/2016) (Entered: 09/30/2016)
10/07/2016	90	Transcript of Proceedings held on 9/28/16, before Judge Susan Illston. Court Reporter Jo Ann Bryce, telephone number 510-910-5888, joann_bryce@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction after 90 days. After that date, it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 88 Transcript Order) Release of Transcript Restriction set for 1/5/2017. (Related documents(s) 88) (Bryce, Joann) (Filed on 10/7/2016) (Entered: 10/07/2016)
10/07/2016	91	<i>JOINT CASE MANAGEMENT CONFERENCE STATEMENT</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 10/7/2016) Modified on 10/11/2016 (ysS, COURT STAFF). (Entered: 10/07/2016)
10/11/2016	92	CLERK'S NOTICE Further Case Management Conference set for 10/14/16 has been continued to 10/28/2016 03:00 PM in Courtroom 1, 17th Floor, San Francisco. This is a docket text entry only, there is no document associated with this document. (tfS, COURT STAFF) (Filed on 10/11/2016) (Entered: 10/11/2016)
10/21/2016	93	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 10/28/16 has been continued to 11/4/2016 03:00 PM in Courtroom 1, 17th Floor, San Francisco. (tfS, COURT STAFF) (Filed on 10/21/2016) (Entered: 10/21/2016)
11/02/2016	94	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 11/4/16 has been continued 11/18/2016 03:00 PM in Courtroom 1, 17th Floor, San Francisco. Counsel shall file the Joint Case Management

ADD17

		Conference Statement on or before 11/16/16. (tfS, COURT STAFF) (Filed on 11/2/2016) (Entered: 11/02/2016)
11/04/2016	95	ORDER RE: CLAIM CONSTRUCTION (Illston, Susan) (Filed on 11/4/2016) (Entered: 11/04/2016)
11/10/2016	96	CLERK'S NOTICE: . <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 11/29/2016 10:00 AM in Courtroom 1, 17th Floor, San Francisco. The Joint Case Management Conference Statement shall be filed one week prior to the Conference.(tfS, COURT STAFF) (Filed on 11/10/2016) Modified on 11/10/2016 (tfS, COURT STAFF). (Entered: 11/10/2016)
11/22/2016	97	MOTION for Summary Judgment filed by MLC Intellectual Property, LLC. Motion Hearing set for 1/6/2017 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 12/6/2016. Replies due by 12/13/2016. (Attachments: # 1 K. Kieckhefer Declaration, # 2 Ex. A to K. Kieckhefer Declaration, # 3 Ex. B to K. Kieckhefer Declaration, # 4 Ex. C to K. Kieckhefer Declaration, # 5 Ex. D to K. Kieckhefer Declaration, # 6 Ex. E to K. Kieckhefer Declaration, # 7 Proposed Order)(Marino, Fabio) (Filed on 11/22/2016) (Entered: 11/22/2016)
11/22/2016	98	CASE MANAGEMENT STATEMENT <i>[Jointly Filed]</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 11/22/2016) (Entered: 11/22/2016)
11/29/2016	99	Minute Entry for proceedings held before Hon. Susan Illston: Further Case Management Conference held on 11/29/2016. Further Case Management Conference set for 2/24/2017 03:00 PM in Courtroom 1, 17th Floor, San Francisco. Motion Hearing set for 1/25/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Case continued to 1/25/17 @ 10:00 a.m. for Deft. Motion for Summary Judgment Re: 814 & 851 Patents (Motion (35 pgs) due: 12/16/16, Opposition (35 pgs) due: 1/6/17, Reply (20 pgs) due: 1/13/17) Total Time in Court 13 minutes. Court Reporter Name n/a. (tfS, COURT STAFF) (Date Filed: 11/29/2016) (Entered: 11/29/2016)
12/06/2016	100	OPPOSITION/RESPONSE (re 97 MOTION for Summary Judgment) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Michael R. Headley, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q, # 19 Exhibit R, # 20 Exhibit S, # 21 Exhibit T, # 22 Exhibit U, # 23 Exhibit V, # 24 Exhibit W, # 25 Exhibit X)(Headley, Michael) (Filed on 12/6/2016) (Entered: 12/06/2016)
12/13/2016	101	REPLY in support of (re 97 MOTION for Summary Judgment) <i>That the '571 Patent is not Invalid in View of the '851 Patent</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 12/13/2016) Modified on 12/14/2016 (ysS, COURT STAFF). (Entered: 12/13/2016)
12/14/2016	102	

ADD18

		CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 97 MOTION for Summary Judgment . Motion Hearing set for 1/13/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 12/14/2016) (Entered: 12/14/2016)
12/16/2016	103	MOTION for Summary Judgment of <i>Invalidity (RENEWED)</i> filed by Micron Technology, Inc.. Motion Hearing set for 1/25/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 12/30/2016. Replies due by 1/6/2017. (Attachments: # 1 Declaration of Michael Headley, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E-Part 1, # 7 Exhibit E-Part 2, # 8 Exhibit E-Part 3, # 9 Exhibit E-Part 4, # 10 Exhibit E-Part 5, # 11 Exhibit E-Part 6, # 12 Exhibit F-McAlexander Dec.)(Headley, Michael) (Filed on 12/16/2016) (Entered: 12/16/2016)
12/20/2016	104	MOTION for Leave to File <i>Surreply in Opposition to 97 MLC's MSJ That the '571 Patent Is Not Invalid In View of the '851 Patent</i> filed by Micron Technology, Inc.. (Attachments: # 1 Exhibit 1 - Micron's Surreply, # 2 Exhibit 2 - Dec of Andrew Schwentker, # 3 Proposed Order)(Headley, Michael) (Filed on 12/20/2016) Modified on 12/21/2016 (ysS, COURT STAFF). (Entered: 12/20/2016)
12/22/2016	105	OPPOSITION/RESPONSE (re 104 MOTION for Leave to File <i>Surreply in Opposition to MLC's MSJ That the '571 Patent Is Not Invalid In View of the '851 Patent</i>) <i>MLC's Opposition to Micron's Motion for Leave to File Surreply to MLC's Motion for Summary Judgment that the '571 Patent is not Invalid in View of the '851 Patent</i> filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 12/22/2016) (Entered: 12/22/2016)
01/04/2017	106	STIPULATION WITH PROPOSED ORDER to <i>Extend Renewed Motion for Summary Judgment Deadlines</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration of R. Andrew Schwentker)(Schwentker, Robert Andrew) (Filed on 1/4/2017) (Entered: 01/04/2017)
01/05/2017	107	ORDER RESCHEDULING SUMMARY JUDGMENT MOTIONS AND SETTING NEW BRIEFING SCHEDULE ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT OF INVALIDITY 106 . (Illston, Susan) (Filed on 1/5/2017) (Entered: 01/05/2017)
01/05/2017		Set/Reset Deadlines as to 103 MOTION for Summary Judgment of <i>Invalidity (RENEWED)</i> , 97 MOTION for Summary Judgment . Responses due by 1/13/2017. Replies due by 1/25/2017. Motion Hearing set for 2/24/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 1/5/2017) (Entered: 01/05/2017)
01/11/2017		administrative docket update (tfS, COURT STAFF) (Filed on 1/11/2017) (Entered: 01/11/2017)
01/13/2017	108	OPPOSITION/RESPONSE (re 103 MOTION for Summary Judgment of <i>Invalidity (RENEWED)</i>) <i>MLC's Opposition to Micron's Renewed Motion for</i>

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		<i>Summary Judgment of Invalidity</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Jack Lee)(Marino, Fabio) (Filed on 1/13/2017) (Entered: 01/13/2017)
01/25/2017	109	REPLY (re 103 MOTION for Summary Judgment of Invalidity (RENEWED)) filed by Micron Technology, Inc, Micron Technology, Inc.. (Headley, Michael) (Filed on 1/25/2017) (Entered: 01/25/2017)
01/25/2017	110	Declaration of Michael R. Headley in Support of 109 Reply to Opposition/Response in Support of 103 MOTION for Summary Judgment of Invalidity (RENEWED) filed by Micron Technology, Inc, Micron Technology, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Related document(s) 109) (Headley, Michael) (Filed on 1/25/2017) (Entered: 01/25/2017)
02/16/2017	111	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 97 MOTION for Summary Judgment , 103 MOTION for Summary Judgment of Invalidity (RENEWED). Motion Hearing set for 3/3/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 2/16/2017) (Entered: 02/16/2017)
02/16/2017	112	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 3/3/2017 03:00 PM in Courtroom 1, 17th Floor, San Francisco. (tfS, COURT STAFF) (Filed on 2/16/2017) (Entered: 02/16/2017)
02/16/2017	113	STIPULATION WITH PROPOSED ORDER to Extend CMC and Motions Hrg filed by Micron Technology, Inc. (Headley, Michael) (Filed on 2/16/2017) (Entered: 02/16/2017)
02/21/2017	114	ORDER by Judge Susan Illston granting 113 STIPULATION WITH PROPOSED ORDER to Extend CMC and Motions Hrg. (tfS, COURT STAFF) (Filed on 2/21/2017) (Entered: 02/21/2017)
02/21/2017		Set/Reset Hearing, Set/Reset Deadlines as to 104 MOTION for Leave to File Surreply in Opposition to MLC's MSJ That the '571 Patent Is Not Invalid In View of the '851 Patent, 103 MOTION for Summary Judgment of Invalidity (RENEWED), 97 MOTION for Summary Judgment . Further Case Management Conference set for 3/10/2017 03:00 PM in Courtroom 1, 17th Floor, San Francisco. Motion Hearing set for 3/10/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 2/21/2017) (Entered: 02/21/2017)
02/23/2017		Set/Reset Deadlines as to 104 MOTION for Leave to File Surreply in Opposition to MLC's MSJ That the '571 Patent Is Not Invalid In View of the '851 Patent, 103 MOTION for Summary Judgment of Invalidity (RENEWED), 97 MOTION for Summary Judgment . Motion Hearing set for 3/10/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 2/23/2017) (Entered: 02/23/2017)
02/24/2017	115	

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		MOTION to Extend Case Mgmt Conference & Motions Hearing (from 3/10 to 3/17 - UNOPPOSED) filed by Micron Technology, Inc. Motion Hearing set for 3/10/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 3/10/2017. Replies due by 3/17/2017. (Attachments: # 1 Declaration of Timothy W. Riffe)(Headley, Michael) (Filed on 2/24/2017) (Entered: 02/24/2017)
02/27/2017	116	ORDER, Motions terminated: 115 MOTION to Extend Case Mgmt Conference & Motions Hearing (from 3/10 to 3/17 - UNOPPOSED) filed by Micron Technology, Inc. Further Case Management Conference set for 3/17/2017 03:00 PM in Courtroom 1, 17th Floor, San Francisco.. Signed by Judge Susan Illston on 2/27/17. (tfS, COURT STAFF) (Filed on 2/27/2017) (Entered: 02/27/2017)
02/27/2017		Set/Reset Deadlines as to 104 MOTION for Leave to File <i>Surreply in Opposition to MLC's MSJ That the '571 Patent Is Not Invalid In View of the '851 Patent</i> , 103 MOTION for Summary Judgment of <i>Invalidity (RENEWED)</i> , 97 MOTION for Summary Judgment . Motion Hearing set for 3/17/2017 10:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 2/27/2017) (Entered: 02/27/2017)
03/10/2017	117	JOINT CASE MANAGEMENT STATEMENT filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 3/10/2017) (Entered: 03/10/2017)
03/17/2017	118	Minute Entry for proceedings held before Hon. Susan Illston: Motion Hearing held on 3/17/2017. Further Case Management Conference set for 4/14/2017 03:00 PM in Courtroom 1, 17th Floor, San Francisco.Total Time in Court 1/06. Court Reporter Name Katherine Sullivan. (tfS, COURT STAFF) (Date Filed: 3/17/2017) (Entered: 03/17/2017)
03/17/2017	119	TRANSCRIPT ORDER for proceedings held on 03/17/2017 before Hon. Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Katherine Sullivan. (Marino, Fabio) (Filed on 3/17/2017) (Entered: 03/17/2017)
03/20/2017	120	TRANSCRIPT ORDER for proceedings held on 03/17/2017 before Hon. Susan Illston by Micron Technology, Inc, Micron Technology, Inc., for Court Reporter Katherine Sullivan. (Headley, Michael) (Filed on 3/20/2017) (Entered: 03/20/2017)
03/28/2017	121	Transcript of Proceedings held on 3/17/17, before Judge Susan Illston. Court Reporter/Transcriber Katherine Powell Sullivan, telephone number 415-794-6659. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 120 Transcript Order, 119 Transcript Order) Redaction Request due 4/18/2017. Redacted Transcript Deadline set for 4/28/2017. Release of Transcript Restriction set for 6/26/2017. (Related documents(s) 120 , 119) (Sullivan, Katherine) (Filed on 3/28/2017) (Entered: 03/28/2017)

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03/28/2017	122	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 4/14/17 has been continued to 4/27/2017 03:30 PM in Courtroom 1, 17th Floor, San Francisco. (tfS, COURT STAFF) (Filed on 3/28/2017) (Entered: 03/28/2017)
04/10/2017	123	STIPULATION WITH PROPOSED ORDER <i>to Extend Case Mgmt Conference</i> filed by Micron Technology, Inc. (Headley, Michael) (Filed on 4/10/2017) (Entered: 04/10/2017)
04/11/2017	124	ORDER, Motions terminated: 123 STIPULATION WITH PROPOSED ORDER <i>to Extend Case Mgmt Conference</i> filed by Micron Technology, Inc. Further Case Management Conference set for 5/8/2017 02:00 PM in Courtroom 1, 17th Floor, San Francisco.. Signed by Judge Susan Illston on 4/11/17. (tfS, COURT STAFF) (Filed on 4/11/2017) (Entered: 04/11/2017)
04/14/2017	125	ORDER by Judge Susan Illston granting 104 Motion for Leave to File. (tfS, COURT STAFF) (Filed on 4/14/2017) (Entered: 04/14/2017)
04/18/2017	126	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 5/11/2017 03:00 PM in Courtroom 1, 17th Floor, San Francisco. (tfS, COURT STAFF) (Filed on 4/18/2017) (Entered: 04/18/2017)
04/24/2017	127	NOTICE of Change of Address by Michael Richard Headley <i>for Ruffin B. Cordell, Timothy W. Riffe, Adam R. Shartzter, & Andrew Schwentker (Fish & Richardson, Washington, D.C.)</i> (Headley, Michael) (Filed on 4/24/2017) (Entered: 04/24/2017)
04/26/2017	128	ORDER RE: SUMMARY JUDGMENT MOTIONS 97 103 . (Illston, Susan) (Filed on 4/26/2017) (Entered: 04/26/2017)
05/04/2017	129	JOINT CASE MANAGEMENT STATEMENT filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 5/4/2017) (Entered: 05/04/2017)
05/09/2017	130	Letter from Michael R. Headley <i>re CMC Statement</i> . (Attachments: # 1 Exhibit A)(Headley, Michael) (Filed on 5/9/2017) (Entered: 05/09/2017)
05/10/2017	131	Letter from Fabio E. Marino <i>Responsive to Letter from Michael R. Headley re CMC Statement</i> . (Marino, Fabio) (Filed on 5/10/2017) (Entered: 05/10/2017)
05/12/2017	132	Minute Entry for proceedings held before Hon. Susan Illston: Further Case Management Conference held on 5/10/2017. Jury Selection set for 7/9/2018 08:30 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Jury Trial set for 7/9/2018 08:30 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Motion Hearing set for 5/18/2018 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Pretrial Conference set for 6/26/2018 03:30 PM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston.Total Time in Court 46 minutes. Court Reporter Name n/a. (tfS, COURT STAFF) (Date Filed: 5/12/2017) (Entered: 05/12/2017)
05/15/2017	133	

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		PRETRIAL ORDER. Signed by Judge Susan Illston on 5/15/17. (Attachments: # 1 Standing Order)(tfS, COURT STAFF) (Filed on 5/15/2017) (Entered: 05/15/2017)
05/19/2017	134	Letter from Timothy W. Riffe <i>re OTDP Inquiry</i> . (Riffe, Timothy) (Filed on 5/19/2017) (Entered: 05/19/2017)
05/24/2017	135	STIPULATION WITH PROPOSED ORDER <i>STIPULATED PROTECTIVE ORDER</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 5/24/2017) (Entered: 05/24/2017)
05/26/2017	136	STIPULATION PROTECTIVE ORDER granting 135 Stipulation. Signed by Judge Susan Illston on 5/25/2017. (afmS, COURT STAFF) (Filed on 5/26/2017) (Entered: 05/26/2017)
06/01/2017	137	Letter from Fabio E. Marino <i>to Hon. Susan Illston Re Response to Micron's Letter Brief, Dkt. 134</i> . (Marino, Fabio) (Filed on 6/1/2017) (Entered: 06/01/2017)
06/06/2017	138	Letter from Timothy W. Riffe <i>Responding to 137 MLC's Ltr re OTDP</i> . (Riffe, Timothy) (Filed on 6/6/2017) (Entered: 06/06/2017)
06/13/2017	139	Letter from Fabio E. Marino . (Marino, Fabio) (Filed on 6/13/2017) (Entered: 06/13/2017)
07/18/2017	140	ORDER RE: ADDITIONAL CLAIM CONSTRUCTION (Illston, Susan) (Filed on 7/18/2017) (Entered: 07/18/2017)
07/28/2017	141	Letter from Fabio E. Marino <i>Re Additional Claim Construction</i> . (Marino, Fabio) (Filed on 7/28/2017) (Entered: 07/28/2017)
07/28/2017	142	Letter from Timothy Riffe <i>re Claim Construction</i> . (Attachments: # 1 Declaration of Timothy W. Riffe, # 2 Exhibit 1 - McAlexander Dec, # 3 Exhibit 2 - '121 Patent, # 4 Exhibit 3 - '675 Patent, # 5 Exhibit 4 - '763 Patent) (Riffe, Timothy) (Filed on 7/28/2017) (Entered: 07/28/2017)
07/31/2017	143	Administrative Motion to File Under Seal <i>re Micron's Motion for Leave to Amend Answer & Counterclaims</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Jonathan Bright ISO Mot to Seal, # 2 Proposed Order Granting Mot to Seal, # 3 Redacted Version of Mot for Lv to Amend Answer, # 4 Unredacted Version of Mot for Lv to Amend Answer, # 5 Declaration of Jonathan Bright ISO Mot for Lv to Amend, # 6 Declaration of Timothy Riffe ISO Mot for Lv to Amend, # 7 Exhibit Redacted Version of Ex. A to Riffe Dec - AMENDED ANSWER, # 8 Exhibit Unredacted Version of Ex. A to Riffe Dec - AMENDED ANSWER, # 9 Exhibit Redacted Ex. 1 to AMENDED ANSWER, # 10 Exhibit Unredacted Ex. 1 to AMENDED ANSWER, # 11 Exhibit Redacted Ex. 2 to AMENDED ANSWER, # 12 Exhibit Unredacted Ex. 2 to AMENDED ANSWER, # 13 Exhibit B to Riffe Dec, # 14 Exhibit C to Riffe Dec, # 15 Exhibit D to Riffe Dec, # 16 Exhibit E to Riffe Dec, # 17 Exhibit F to Riffe Dec, # 18 Exhibit G to Riffe Dec, # 19 Exhibit H to Riffe Dec, # 20 Exhibit I to Riffe Dec, # 21 Exhibit J to Riffe Dec, # 22 Exhibit K to Riffe Dec, # 23 Proposed Order Granting Mot for Lv to

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		Amend, # 24 Certificate/Proof of Service)(Riffe, Timothy) (Filed on 7/31/2017) (Entered: 07/31/2017)
08/14/2017	144	Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's Motion for Leave to Amend Answer and Counterclaims</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration L. Kieran Kieckhefer, # 2 Proposed Order, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D, # 7 Exhibit UNREDACTED Version of Exhibit E, # 8 Exhibit REDACTED Version of Exhibit E, # 9 Exhibit UNREDACTED Version of Exhibit F, # 10 Exhibit REDACTED Version of Exhibit F, # 11 Exhibit UNREDACTED Version of Exhibit G, # 12 Exhibit REDACTED Version of Exhibit G, # 13 UNREDACTED Version of MLC's Opposition to Micron's Motion for Leave to Amend Answer and Counterclaims, # 14 REDACTED Version of MLC's Opposition to Micron's Motion for Leave to Amend Answer and Counterclaims)(Marino, Fabio) (Filed on 8/14/2017) (Entered: 08/14/2017)
08/14/2017	145	REDACTION to 144 Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's Motion for Leave to Amend Answer and Counterclaims</i> by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration L. Kieran Kieckhefer, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G)(Marino, Fabio) (Filed on 8/14/2017) (Entered: 08/14/2017)
08/17/2017	146	STIPULATION WITH PROPOSED ORDER <i>TO EXTEND DEADLINE TO FILE REPLY BRIEF IN SUPPORT OF MICRON'S MOTION FOR LEAVE TO AMEND ANSWER AND COUNTERCLAIMS</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 8/17/2017) (Entered: 08/17/2017)
08/18/2017	147	ORDER by Judge Susan Illston granting 146 STIPULATION TO EXTEND DEADLINE TO FILE REPLY BRIEF IN SUPPORT OF MICRON'S MOTION FOR LEAVE TO AMEND ANSWER AND COUNTERCLAIMS TO 8/22/17. (tfS, COURT STAFF) (Filed on 8/18/2017) (Entered: 08/18/2017)
08/21/2017	148	MOTION to Amend/Correct filed by Micron Technology, Inc.. Motion Hearing set for 9/1/2017 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. Responses due by 9/5/2017. Replies due by 9/12/2017. * Counsel is reminded to docket motions and appropriately set a hearing/briefing schedule. This motion was not scheduled for hearing on the docket and did not appear on the Court's calendar. Also, the Court did not receive a copy of this motion to see that it was not properly docketed.(tfS, COURT STAFF) (Filed on 8/21/2017) (Entered: 08/21/2017)
08/21/2017	149	ERRONEOUS ENTRY PLEASE DISREGARD. SEE DCKT ENTRY #150. ORDER by Judge Susan Illston granting 143 Administrative Motion to File Under Seal re Micron's Motion for Leave to Amend Answer & Counterclaims filed by Micron Technology, Inc. (tfS, COURT STAFF) (Filed on 8/21/2017) Modified on 8/22/2017 (sxbS, COURT STAFF). (Entered: 08/21/2017)
08/21/2017	150	ORDER by Judge Susan Illston granting 144 Administrative Motion to File Under Seal MLC's Opposition to Micron's Motion for Leave to

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		Amend Answer and Counterclaims. (tfS, COURT STAFF) (Filed on 8/21/2017) (Entered: 08/21/2017)
08/21/2017	151	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 148 MOTION to Amend/Correct. Motion Hearing set for 9/1/17 has been continued to 9/7/2017 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 8/21/2017) (Entered: 08/21/2017)
08/22/2017	152	Administrative Motion to File Under Seal <i>Micron's Reply ISO Motion to Amend Answer & Counterclaims</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Jonathan Bright, # 2 Proposed Order, # 3 REDACTED Version of Micron Reply, # 4 UNREDACTED Version of Micron Reply)(Riffe, Timothy) (Filed on 8/22/2017) (Entered: 08/22/2017)
08/22/2017	153	REPLY (re 148 MOTION to Amend/Correct) <i>Answer & Counterclaims-REDACTED VERSION</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Timothy Riffe, # 2 Exhibit L, # 3 Exhibit M, # 4 Declaration of Jonathan Bright)(Riffe, Timothy) (Filed on 8/22/2017) (Entered: 08/22/2017)
08/24/2017	154	ORDER by Judge Susan Illston granting 152 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 8/24/2017) (Entered: 08/24/2017)
08/24/2017	155	Letter from Fabio E. Marino <i>to Hon. Susan Illston Re Response to Micron's Letter Brief, Dkt. 142.</i> (Marino, Fabio) (Filed on 8/24/2017) (Entered: 08/24/2017)
08/28/2017	156	STIPULATION WITH PROPOSED ORDER re 151 Clerk's Notice Continuing Motion Hearing,, Set Motion and Deadlines/Hearings, <i>JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING DATE</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 8/28/2017) (Entered: 08/28/2017)
08/30/2017	157	ORDER by Judge Susan Illston granting 156 Stipulation STIPULATION WITH PROPOSED ORDER re 151 Clerk's Notice Continuing Motion Hearing. (tfS, COURT STAFF) (Filed on 8/30/2017) (Entered: 08/30/2017)
08/30/2017		Set/Reset Deadlines as to 148 MOTION to Amend/Correct. Motion Hearing set for 9/14/2017 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 8/30/2017) (Entered: 08/30/2017)
09/01/2017	158	MOTION for Leave to File <i>SUR-REPLY TO DEFENDANT MICRON TECHNOLOGY, INC.S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO AMEND ANSWER AND COUNTERCLAIMS</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit 1, # 2 Declaration L. Kieran Kieckhefer, # 3 Exhibit A, # 4 Proposed Order)(Marino, Fabio) (Filed on 9/1/2017) (Entered: 09/01/2017)
09/11/2017	159	Administrative Motion to File Under Seal <i>Opp to MLC's Mot for Lv to File Sur-reply</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of

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		Jonathan Bright, # 2 Proposed Order, # 3 Redacted Version of Opp to MLC's Mot for Lv to File Sur-Reply, # 4 Unredacted Version of Opp to MLC's Mot for Lv to File Sur-Reply, # 5 Unredacted Version of Ex. 1 to Riffe Dec ISO Micron Opp, # 6 Unredacted Version of Ex. 2 to Riffe Dec ISO Micron Opp) (Riffe, Timothy) (Filed on 9/11/2017) (Entered: 09/11/2017)
09/11/2017	160	OPPOSITION/RESPONSE (re 158 MOTION for Leave to File <i>SUR-REPLY TO DEFENDANT MICRON TECHNOLOGY, INC.'S REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO AMEND ANSWER AND COUNTERCLAIMS</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Timothy W. Riffe, # 2 Exhibit 1 - Filed Under Seal, # 3 Exhibit 2 - Filed Under Seal)(Riffe, Timothy) (Filed on 9/11/2017) (Entered: 09/11/2017)
09/12/2017	161	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 148 MOTION to Amend/Correct. Motion Hearing set for 9/14/2017 10:00 AM (instead of 9:00 AM) in Courtroom 1, 17th Floor, San Francisco before Hon. Susan Illston. (tfS, COURT STAFF) (Filed on 9/12/2017) (Entered: 09/12/2017)
09/12/2017	162	MOTION for Leave to File <i>Response and Response to Defendant Micron's Opposition to MLC's Motion for Leave to File Sur-Reply</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Proposed Order, # 2 Declaration L. Kieran Kieckhefer, # 3 Exhibit A)(Marino, Fabio) (Filed on 9/12/2017) (Entered: 09/12/2017)
09/12/2017	163	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-11708718.) filed by Micron Technology, Inc.. (Attachments: # 1 Exhibit - Certificate of Good Standing)(Ellis, Michael) (Filed on 9/12/2017) (Entered: 09/12/2017)
09/13/2017	164	ORDER by Judge Susan Illston granting 163 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-11708718.) filed by Micron Technology, Inc.(tfS, COURT STAFF) (Filed on 9/13/2017) (Entered: 09/13/2017)
09/13/2017	165	ORDER by Judge Susan Illston denying 162 Motion for Leave to File (tfS, COURT STAFF) (Filed on 9/13/2017) (Entered: 09/13/2017)
09/13/2017	166	ORDER by Judge Susan Illston denying 159 Administrative Motion to File Under Seal (tfS, COURT STAFF) (Filed on 9/13/2017) (Entered: 09/13/2017)
09/13/2017	167	ORDER by Judge Susan Illston denying 158 Motion for Leave to File (tfS, COURT STAFF) (Filed on 9/13/2017) (Entered: 09/13/2017)
09/14/2017	168	Minute Entry for proceedings held before Hon. Susan Illston: Motion Hearing held on 9/14/2017. Motion to Amend 148 is deemed submitted. Further Case Management Conference set for 1/19/2017 03:00 AM in Courtroom 1, 17th Floor, San Francisco.Total Time in Court 1 hour. * Attorney Lucas Dahlin's appearance added to minutes. Court Reporter Name Belle Ball. (Additional attachment(s) added on 9/14/2017: # 1 Appendix Attorney Dahlin's Appearance Added to Minute) (tfS, COURT

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		STAFF). Modified on 9/14/2017 (tfS, COURT STAFF). (Entered: 09/14/2017)
09/27/2017	169	NOTICE by Micron Technology, Inc. of <i>Grant of Ex Parte Reexamination Request and Judicial Notice Request</i> (Attachments: # 1 Exhibit A)(Shartzter, Adam) (Filed on 9/27/2017) (Entered: 09/27/2017)
10/06/2017	170	MOTION to Stay <i>Pending Ex Parte Reexamination of Patent-in-Suit</i> filed by Micron Technology, Inc.. Motion Hearing set for 11/17/2017 09:00 AM in Courtroom 1, 17th Floor, San Francisco before Judge Susan Illston. Responses due by 10/20/2017. Replies due by 10/27/2017. (Attachments: # 1 Declaration of Timothy W. Riffe, # 2 Exhibit A, # 3 Proposed Order)(Riffe, Timothy) (Filed on 10/6/2017) (Entered: 10/06/2017)
10/11/2017	171	CLERK'S NOTICE. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) Telephone Conference set for 10/12/2017 04:00 PM before Judge Susan Illston. Counsel shall set up a conference call line and provide the Court with the dial information/passcode along with a list of attorneys that will be attending the conference call.(tfS, COURT STAFF) (Filed on 10/11/2017) (Entered: 10/11/2017)
10/13/2017	172	Minute Entry for proceedings held before Judge Susan Illston: Telephone Conference held on 10/13/2017. Plaintiff shall file the opposition to the motion to stay on 10/20/17.Total Time in Court: 10 minutes. Court Reporter: n/a. (tfS, COURT STAFF) (Date Filed: 10/13/2017) (Entered: 10/13/2017)
10/20/2017	173	OPPOSITION/RESPONSE (re 170 MOTION to Stay <i>Pending Ex Parte Reexamination of Patent-in-Suit</i>) MLC's <i>Opposition to Micron's Motion to Stay</i> filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration L. Kieran Kieckhefer, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D) (Kieckhefer, Laura) (Filed on 10/20/2017) (Entered: 10/20/2017)
10/24/2017	174	REPLY (re 170 MOTION to Stay <i>Pending Ex Parte Reexamination of Patent-in-Suit</i>) filed byMicron Technology, Inc. (Attachments: # 1 Declaration of Timothy W. Riffe, # 2 Exhibit A)(Riffe, Timothy) (Filed on 10/24/2017) (Entered: 10/24/2017)
10/31/2017	175	Letter from Fabio E. Marino and Timothy W. Riffe <i>re Discovery Dispute</i> . (Riffe, Timothy) (Filed on 10/31/2017) (Entered: 10/31/2017)
11/01/2017	176	ORDER GRANTING DEFENDANT'S MOTION TO STAY 170 (Illston, Susan) (Filed on 11/1/2017) (Entered: 11/01/2017)
11/01/2017	177	ORDER DENYING DEFENDANT'S MOTION FOR LEAVE TO AMEND ANSWER AND COUNTERCLAIMS AND DENYING WITHOUT PREJUDICE TO RENEWAL PENDING DISCOVERY MOTION 148 . (Illston, Susan) (Filed on 11/1/2017) (Entered: 11/01/2017)
11/02/2017		Due to stay, all dates are vacated. (tfS, COURT STAFF) (Filed on 11/2/2017) (Entered: 11/02/2017)
01/19/2018	178	Letter from Fabio E. Marino <i>Joint Letter from MLC and Micron</i> . (Marino, Fabio) (Filed on 1/19/2018) (Entered: 01/19/2018)

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01/30/2018	179	Letter from Fabio Marino <i>Joint Letter from MLC and Micron</i> . (Marino, Fabio) (Filed on 1/30/2018) (Entered: 01/30/2018)
07/06/2018	180	Letter from Fabio E. Marino and Timothy W. Riffe . (Marino, Fabio) (Filed on 7/6/2018) (Entered: 07/06/2018)
07/09/2018	181	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 7/20/2018 02:30 PM in San Francisco, Courtroom 01, 17th Floor. Counsel shall file a Joint Case Management Conference Statement one week prior to the conference. (tfS, COURT STAFF) (Filed on 7/9/2018) (Entered: 07/09/2018)
07/13/2018	182	CASE MANAGEMENT STATEMENT <i>[Joint]</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 7/13/2018) (Entered: 07/13/2018)
07/23/2018	183	Minute Entry for proceedings held before Judge Susan Illston: Further Case Management Conference held on 7/20/2018. Case continued to 10/5/18 @ 3:00 p.m. for Further Case Management Conference. Case continued to 5/31/19 @ 9:00 a.m. for Daubert and In-Limine Motions (Motion due:4/5/19, Opposition: 5/3/19, Reply: 5/10/19). Case continued to 7/23/19 @ 3:30 p.m. for Pretrial Conference. Pretrial Meet and Confer deadline 3/22/19, Joint Pretrial Conference Statement due: 4/5/19. Joint Proposed Jury Instructions, Voir Dire, and Verdict Form Due 4/26/19. Case continued to 8/5/19 @ 8:30 a.m. for Jury Trial. Discovery Cutoff: 12/14/18, Designate Experts by: 1/25/19, Rebuttal Experts: 2/22/19, Expert Discovery Cutoff: 3/15/19. By August 3, 2018, the parties shall either file a stipulation re: construction or letter indicating that they were not able to come to an agreement. Total Time in Court: 11 minutes. Court Reporter: n/a. (tfS, COURT STAFF) (Date Filed: 7/23/2018) (Entered: 07/23/2018)
07/23/2018	184	PRETRIAL ORDER. Signed by Judge Susan Illston on 7/23/18. (Attachments: # 1 Standing Order)(tfS, COURT STAFF) (Filed on 7/23/2018) (Entered: 07/23/2018)
08/03/2018	185	CLAIM CONSTRUCTION STATEMENT filed by Micron Technology, Inc, Micron Technology, Inc.. (Shartzter, Adam) (Filed on 8/3/2018) (Entered: 08/03/2018)
08/03/2018	186	Letter from Fabio Marino <i>Letter from MLC re Claim Construction</i> . (Marino, Fabio) (Filed on 8/3/2018) (Entered: 08/03/2018)
08/07/2018	187	ORDER setting a Further Case Management Conference on 9/5/2018 11:30 AM in San Francisco, Courtroom 01, 17th Floor. Signed by Judge Susan Illston on 8/6/18. (tfS, COURT STAFF) (Filed on 8/7/2018) (Entered: 08/07/2018)
08/09/2018	188	STIPULATION WITH PROPOSED ORDER <i>to Extend Claim Construction Hearing</i> filed by Micron Technology, Inc.. (Shartzter, Adam) (Filed on 8/9/2018) (Entered: 08/09/2018)
08/10/2018	189	ORDER, Motions terminated: 188 STIPULATION WITH PROPOSED ORDER <i>to Extend Claim Construction Hearing</i> filed by Micron

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		Technology, Inc.. Claims Construction Hearing set for 9/13/2018 11:00 AM.. Signed by Judge Susan Illston on 8/10/18. (tfS, COURT STAFF) (Filed on 8/10/2018) (Entered: 08/10/2018)
08/17/2018	190	Brief - <i>Claim Construction Brief re Ex Parte Reexamination</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration of Jonathan Bright, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G)(Shartzter, Adam) (Filed on 8/17/2018) (Entered: 08/17/2018)
08/17/2018	191	Letter from MLC re Additional Claim Construction . (Marino, Fabio) (Filed on 8/17/2018) (Entered: 08/17/2018)
08/17/2018	192	Joint Discovery Letter Brief <i>Regarding Discovery Disputes</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 8/17/2018) (Entered: 08/17/2018)
08/20/2018	193	ORDER RE: DISCOVERY 192 . (Illston, Susan) (Filed on 8/20/2018) (Entered: 08/20/2018)
08/24/2018	194	NOTICE by MLC Intellectual Property, LLC of <i>Withdrawal of L. Kieran Kieckhefer</i> (Kieckhefer, Laura) (Filed on 8/24/2018) (Entered: 08/24/2018)
09/13/2018	195	MOTION to Amend/Correct <i>Invalidity Contentions for USP No. 5,764,571</i> filed by Micron Technology, Inc.. Motion Hearing set for 10/26/2018 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 9/27/2018. Replies due by 10/4/2018. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Proposed Order)(Shartzter, Adam) (Filed on 9/13/2018) (Entered: 09/13/2018)
09/13/2018	196	Minute Entry for proceedings held before Judge Susan Illston: Claims Construction / Markman Hearing held on 9/13/2018.Total Time in Court: 1 hour. Court Reporter: Lydia Zinn. (tfS, COURT STAFF) (Date Filed: 9/13/2018) (Entered: 09/13/2018)
09/19/2018	197	TRANSCRIPT ORDER for proceedings held on 9/13 before Judge Susan Illston by Micron Technology, Inc, Micron Technology, Inc., for Court Reporter Lydia Zinn. (Bright, Jonathan) (Filed on 9/19/2018) (Entered: 09/19/2018)
09/20/2018	198	TRANSCRIPT ORDER for proceedings held on 09/13/2018 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Lydia Zinn. (Marino, Fabio) (Filed on 9/20/2018) (Entered: 09/20/2018)
09/24/2018	199	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Further Case Management Conference set for 10/5/18 has been advanced to 10/4/2018 11:00 AM in San Francisco, Courtroom 01, 17th Floor. (tfS, COURT STAFF) (Filed on 9/24/2018) (Entered: 09/24/2018)
09/25/2018	200	Transcript of Proceedings held on 9/13/2018, before Judge Susan Illston. Court Reporter/Transcriber Lydia Zinn, telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be

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		viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 198 Transcript Order, 197 Transcript Order) Redacted Transcript Deadline set for 10/26/2018. Release of Transcript Restriction set for 12/24/2018. (Related documents(s) 198 , 197) (Zinn, Lydia) (Filed on 9/25/2018) (Entered: 09/25/2018)
09/26/2018	201	SUPPLEMENTAL CLAIM CONSTRUCTION ORDER (Illston, Susan) (Filed on 9/26/2018) (Entered: 09/26/2018)
09/27/2018	202	OPPOSITION/RESPONSE (re 195 MOTION to Amend/Correct <i>Invalidity Contentions for USP No. 5,764,571</i>) MLC's <i>Opposition to Micron's Motion for Leave to Amend Invalidity Contentions for U.S. Patent No. 5,764,571</i> filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 9/27/2018) (Entered: 09/27/2018)
09/28/2018	203	NOTICE of Appearance by Teri H.P. Nguyen (Nguyen, Teri) (Filed on 9/28/2018) (Entered: 09/28/2018)
09/28/2018	204	CASE MANAGEMENT STATEMENT filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 9/28/2018) (Entered: 09/28/2018)
10/01/2018	205	CASE MANAGEMENT STATEMENT filed by Micron Technology, Inc.. (Riffe, Timothy) (Filed on 10/1/2018) (Entered: 10/01/2018)
10/03/2018	206	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-12732500.) filed by Micron Technology, Inc.. (Attachments: # 1 Certificate of Good Standing)(Dowd, Matthew) (Filed on 10/3/2018) (Entered: 10/03/2018)
10/04/2018		Set/Reset Deadlines as to 195 MOTION to Amend/Correct <i>Invalidity Contentions for USP No. 5,764,571</i> . Motion Hearing set for 11/13/2018 11:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 10/4/2018) (Entered: 10/04/2018)
10/04/2018	207	ORDER by Judge Susan Illston granting 206 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-12732500.) (tfS, COURT STAFF) (Filed on 10/4/2018) (Entered: 10/04/2018)
10/04/2018	208	REPLY (re 195 MOTION to Amend/Correct <i>Invalidity Contentions for USP No. 5,764,571</i>) filed byMicron Technology, Inc.. (Riffe, Timothy) (Filed on 10/4/2018) (Entered: 10/04/2018)
10/05/2018	209	Minute Entry for proceedings held before Judge Susan Illston: Further Case Management Conference held on 10/4/2018. Mr. Rife will submit a letter indicating which summary judgment motion remains unresolved. Motion to Amend Contentions is continued to 11/13/18. Total Time in Court: 13 minutes. Court Reporter: n/a. (tfS, COURT STAFF) (Date Filed: 10/5/2018) Modified on 10/5/2018 (tfS, COURT STAFF). (Entered: 10/05/2018)
10/08/2018	210	

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		MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-12743543.) filed by Micron Technology, Inc.. (Attachments: # 1 Certificate of Good Standing)(Scheffel, Robert) (Filed on 10/8/2018) (Entered: 10/08/2018)
10/09/2018	211	ORDER by Judge Susan Illston granting 210 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-12743543.) filed by Micron Technology, Inc. (tfS, COURT STAFF) (Filed on 10/9/2018) (Entered: 10/09/2018)
10/10/2018	212	Letter from Riffe re OTDP . (Attachments: # 1 Exhibit)(Riffe, Timothy) (Filed on 10/10/2018) (Entered: 10/10/2018)
10/11/2018	213	Letter from Fabio E. Marino to <i>Honorable Susan Illston</i> . (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Marino, Fabio) (Filed on 10/11/2018) (Entered: 10/11/2018)
10/23/2018	214	Administrative Motion to File Under Seal <i>Exhibits and Portions of MLC's Motion for Sanctions</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri H.P. Nguyen, # 2 Proposed Order, # 3 REDACTED Version Motion for Sanctions, # 4 UNREDACTED Version of Motion for Sanctions, # 5 Exhibit UNREDACTED Version of Exhibit A ISO Barrington Dyer's Declaration, # 6 Exhibit UNREDACTED Version of Exhibit B ISO Barrington Dyer's Declaration)(Marino, Fabio) (Filed on 10/23/2018) (Entered: 10/23/2018)
10/23/2018	215	MOTION for Sanctions filed by MLC Intellectual Property, LLC. Motion Hearing set for 11/30/2018 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 11/6/2018. Replies due by 11/13/2018. (Attachments: # 1 Declaration Barrington Dyer, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Proposed Order)(Marino, Fabio) (Filed on 10/23/2018) (Entered: 10/23/2018)
10/24/2018	216	MOTION to Shorten Time <i>Administrative Motion to Shorten Time for Hearing Re MLC's Motion for Sanctions and [Proposed] Order</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Barrington Dyer) (Dyer, Barrington) (Filed on 10/24/2018) (Entered: 10/24/2018)
10/26/2018	217	OPPOSITION/RESPONSE (re 216 MOTION to Shorten Time <i>Administrative Motion to Shorten Time for Hearing Re MLC's Motion for Sanctions and [Proposed] Order</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Adam Shartzter, # 2 Exhibit 1)(Shartzter, Adam) (Filed on 10/26/2018) (Entered: 10/26/2018)
10/26/2018	218	ORDER SETTING BRIEFING SCHEDULE AND HEARING ON PLAINTIFF'S MOTION FOR SANCTIONS AND CONTINUING HEARING ON DEFENDANT'S MOTION TO AMEND INVALIDITY CONTENTIONS 216 (Illston, Susan) (Filed on 10/26/2018) (Entered: 10/26/2018)
10/29/2018		Set/Reset Deadlines as to 215 MOTION for Sanctions . Responses due by 11/6/2018. Replies due by 11/8/2018. Motion Hearing set for 11/15/2018 11:00

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		AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 10/29/2018) (Entered: 10/29/2018)
10/29/2018	219	Declaration of Michael R. Ellis in Support of 214 Administrative Motion to File Under Seal <i>Exhibits and Portions of MLC's Motion for Sanctions</i> filed by Micron Technology, Inc.. (Related document(s) 214) (Ellis, Michael) (Filed on 10/29/2018) (Entered: 10/29/2018)
10/30/2018		Set/Reset Deadlines as to 195 MOTION to Amend/Correct <i>Invalidity Contentions for USP No. 5,764,571</i> . Motion Hearing set for 11/15/2018 11:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 10/30/2018) (Entered: 10/30/2018)
10/30/2018	220	NOTICE by MLC Intellectual Property, LLC <i>REQUEST FOR CONTINUANCE</i> (Dyer, Barrington) (Filed on 10/30/2018) (Entered: 10/30/2018)
10/31/2018	221	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 215 MOTION for Sanctions , 195 MOTION to Amend/Correct <i>Invalidity Contentions for USP No. 5,764,571</i> . Motion Hearing set for 11/15/2018 01:00 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 10/31/2018) (Entered: 10/31/2018)
11/01/2018	222	MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 310, receipt number 0971-12813552.) filed by Micron Technology, Inc.. (Attachments: # 1 Certificate of Good Standing)(Livedalen, Brian) (Filed on 11/1/2018) (Entered: 11/01/2018)
11/02/2018	223	NOTICE of Appearance by Rebecca Blaire Horton (Horton, Rebecca) (Filed on 11/2/2018) (Entered: 11/02/2018)
11/02/2018	224	ORDER by Judge Susan Illston granting 222 Motion for Pro Hac Vice. (tfS, COURT STAFF) (Filed on 11/2/2018) (Entered: 11/02/2018)
11/06/2018	225	Administrative Motion to File Under Seal <i>Documents ISO Opp to Mot for Sanctions</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration ISO Mot to Seal, # 2 UNREDACTED Ex. D to Shartzter Dec ISO Opp to Mot for Sanctions, # 3 UNREDACTED Kearsley Dec ISO Opp to Mot for Sanctions, # 4 REDACTED Kearsley Dec ISO Opp to Mot for Sanctions, # 5 UNREDACTED Ex A to Kearsley Dec ISO Opp to Mot for Sanctions, # 6 Proposed Order, # 7 Certificate/Proof of Service)(Shartzter, Adam) (Filed on 11/6/2018) (Entered: 11/06/2018)
11/06/2018	226	OPPOSITION/RESPONSE (re 215 MOTION for Sanctions) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Adam Shartzter, # 2 Exhibit A to Shartzter Dec, # 3 Exhibit B to Shartzter Dec, # 4 Exhibit C to Shartzter Dec, # 5 Exhibit D to Shartzter Dec (filed under seal), # 6 Declaration of Roger Kearsley (redacted), # 7 Exhibit A to Kearsley Dec (filed under seal))(Shartzter, Adam) (Filed on 11/6/2018) (Entered: 11/06/2018)
11/08/2018	227	

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		ORDER by Judge Susan Illston granting 214 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 11/8/2018) (Entered: 11/08/2018)
11/08/2018	228	Administrative Motion to File Under Seal <i>Portions of MLC's Reply Brief to Micron's Opposition to MLC's Motion for Sanctions, and Exhibits In Support Thereof</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri Nguyen, # 2 Proposed Order, # 3 REDACTED Version of MLC's Reply to Micron's Opposition to MLC's Motion for Sanctions, # 4 UNREDACTED Version of MLC's Reply to Micron's Opposition to MLC's Motion for Sanctions, # 5 Exhibit UNREDACTED Version of Exhibit J, # 6 Exhibit UNREDACTED Version of Exhibit K)(Marino, Fabio) (Filed on 11/8/2018) (Entered: 11/08/2018)
11/08/2018	229	REPLY (re 215 MOTION for Sanctions) <i>MLC's Reply to Micron's Opposition to MLC's Motion for Sanctions</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Barrington Dyer, # 2 Exhibit I, # 3 Exhibit J, # 4 Exhibit K)(Marino, Fabio) (Filed on 11/8/2018) (Entered: 11/08/2018)
11/12/2018	230	Declaration of Michael R. Ellis in Support of 228 Administrative Motion to File Under Seal <i>Portions of MLC's Reply Brief to Micron's Opposition to MLC's Motion for Sanctions, and Exhibits In Support Thereof</i> filed by Micron Technology, Inc.. (Related document(s) 228) (Ellis, Michael) (Filed on 11/12/2018) (Entered: 11/12/2018)
11/13/2018	231	ORDER by Judge Susan Illston granting 228 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 11/13/2018) (Entered: 11/13/2018)
11/13/2018	232	ORDER by Judge Susan Illston granting 225 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 11/13/2018) (Entered: 11/13/2018)
11/13/2018	233	MOTION to Amend/Correct <i>FIRST AMENDED COMPLAINT</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 1/4/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 11/27/2018. Replies due by 12/4/2018. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit A, # 3 Exhibit B, # 4 Proposed Order)(Marino, Fabio) (Filed on 11/13/2018) (Entered: 11/13/2018)
11/15/2018	234	Minute Entry for proceedings held before Judge Susan Illston: Motion Hearing held on 11/15/2018. 1) Motion to Amend/Correct 195 - HELD, 2) Motion for Sanctions 215 HELD. Motions deemed submitted. Total Time in Court: 1 hour and 25 minutes. Court Reporter: Joann Bryce. (tfS, COURT STAFF) (Date Filed: 11/15/2018) (Entered: 11/15/2018)
11/15/2018	235	TRANSCRIPT ORDER for proceedings held on 11/15/2018 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Jo Ann Bryce. (Marino, Fabio) (Filed on 11/15/2018) (Entered: 11/15/2018)
11/15/2018	236	TRANSCRIPT ORDER for proceedings held on 11/15/2018 before Judge Susan Illston by Micron Technology, Inc, Micron Technology, Inc., for Court

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		Reporter Jo Ann Bryce. (Riffe, Timothy) (Filed on 11/15/2018) (Entered: 11/15/2018)
11/19/2018	237	ORDER DENYING DEFENDANT'S MOTION FOR LEAVE TO AMEND INVALIDITY CONTENTIONS denying 195 Motion to Amend/Correct. (Illston, Susan) (Filed on 11/19/2018) (Entered: 11/19/2018)
11/20/2018	238	STIPULATION WITH PROPOSED ORDER <i>To Extend Deadlines for MLC's Motion to Amend Complaint</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration)(Riffe, Timothy) (Filed on 11/20/2018) (Entered: 11/20/2018)
11/21/2018	239	ORDER by Judge Susan Illston granting 238 Stipulation To Extend Deadlines for MLC's Motion to Amend Complaint. (tfS, COURT STAFF) (Filed on 11/21/2018) (Entered: 11/21/2018)
11/21/2018		Set/Reset Deadlines as to 233 MOTION to Amend/Correct <i>FIRST AMENDED COMPLAINT</i> . Responses due by 11/29/2018. Replies due by 12/10/2018. Motion Hearing set for 1/11/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 11/21/2018) (Entered: 11/21/2018)
11/26/2018	240	ORDER RE: DISCOVERY granting in part and denying in part 215 Motion for Sanctions. (Illston, Susan) (Filed on 11/26/2018) (Entered: 11/26/2018)
11/28/2018	241	Transcript of Proceedings held on 11/15/18, before Judge Susan Illston. Court Reporter Jo Ann Bryce, telephone number 510-910-5888, joann_bryce@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction after 90 days. After that date, it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 235 Transcript Order) Release of Transcript Restriction set for 2/26/2019. (Related documents(s) 235) (jabS, COURTSTAFF) (Filed on 11/28/2018) (Entered: 11/28/2018)
11/29/2018	242	OPPOSITION/RESPONSE (re 233 MOTION to Amend/Correct <i>FIRST AMENDED COMPLAINT</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9, # 11 Exhibit 10, # 12 Exhibit 11, # 13 Exhibit 12, # 14 Exhibit 13, # 15 Exhibit 14) (Bright, Jonathan) (Filed on 11/29/2018) (Entered: 11/29/2018)
12/03/2018	243	Administrative Motion to File Under Seal <i>Attachments A and B - Joint Discovery Letter</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Exhibit UNREDACTED Version of Attachment A - NDA, # 3 Exhibit UNREDACTED Version of Attachment B - Joint Discovery Letter, # 4 Exhibit REDACTED Version of Attachment B - Joint Discovery Letter, # 5 Proposed Order)(Horton, Rebecca) (Filed on 12/3/2018) (Entered: 12/03/2018)

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12/03/2018	244	Joint Discovery Letter Brief - <i>Redacted Version of Attachment B to Admin Motion to Dkt. 243</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 12/3/2018) (Entered: 12/03/2018)
12/04/2018		Electronic filing error . Improper title page. Please refer to Civil Local Rules 3-4 re: first page requirement. Please re-file in its entirety. Re: 244 Joint Discovery Letter B rief - <i>Redacted Version of Attachment B to Admin Motion to Dkt. 243</i> filed by MLC Intellectual Property, LLC (amgS, COURT STAFF) (Filed on 12/4/2018) (Entered: 12/04/2018)
12/04/2018	245	Joint Discovery Letter Brief - <i>REDACTED 243</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 12/4/2018) Modified on 12/5/2018 (amgS, COURT STAFF). (Entered: 12/04/2018)
12/04/2018		Set/Reset Hearing Telephone Conference set for 12/4/2018 03:30 PM in San Francisco, Chambers before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 12/4/2018) (Entered: 12/04/2018)
12/04/2018	246	ORDER by Judge Susan Illston granting 243 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 12/4/2018) (Entered: 12/04/2018)
12/05/2018	247	Minute Entry for proceedings held before Judge Susan Illston: Telephone Conference held on 12/4/2018. The Court will not grant any request to preclude or limit questions at Michael Myers deposition. Counsel may address any confidentiality issues at the time of trial. Total Time in Court: 15 minutes. Court Reporter: n/a. (tfS, COURT STAFF) (Date Filed: 12/5/2018) (Entered: 12/05/2018)
12/05/2018	248	NOTICE of Intent to Request Redaction of Transcript by Michael R. Ellis <i>for 11/15/2018 proceedings</i> (Ellis, Michael) (Filed on 12/5/2018) (Entered: 12/05/2018)
12/10/2018	249	REPLY (re 233 MOTION to Amend/Correct <i>FIRST AMENDED COMPLAINT</i>) filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 12/10/2018) (Entered: 12/10/2018)
12/11/2018	250	NOTICE by MLC Intellectual Property, LLC <i>NOTICE OF NEW AUTHORITY</i> (Nguyen, Teri) (Filed on 12/11/2018) (Entered: 12/11/2018)
12/12/2018	251	STIPULATION WITH PROPOSED ORDER <i>To Extend Deadlines To Take Fact Witness Depositions</i> filed by Micron Technology, Inc. and MLC Intellectual Property, LLC (Attachments: # 1 Declaration)(Livedalen, Brian) (Filed on 12/12/2018) Modified on 12/13/2018 (amgS, COURT STAFF). (Entered: 12/12/2018)
12/13/2018	252	ORDER by Judge Susan Illton granting 251 Stipulation To Extend Deadlines To Take Fact Witness Depositions. (tfS, COURT STAFF) (Filed on 12/13/2018) (Entered: 12/13/2018)
12/13/2018	253	ORDER TO SHOW CAUSE (Illston, Susan) (Filed on 12/13/2018) (Entered: 12/13/2018)
12/18/2018	254	

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		Letter from Timothy W. Riffe to Judge Illston <i>regarding OTDP and Novartis</i> . (Riffe, Timothy) (Filed on 12/18/2018) (Entered: 12/18/2018)
12/18/2018	<u>255</u>	Administrative Motion to File Under Seal <i>Corrected Kearsley Declaration</i> filed by Micron Technology, Inc.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order, # <u>3</u> REDACTED Corrected Kearsley Dec., # <u>4</u> UNREDACTED Corrected Kearsley Dec, # <u>5</u> UNREDACTED Redlined Corrected Kearsley Dec.)(Shartzter, Adam) (Filed on 12/18/2018) (Entered: 12/18/2018)
12/18/2018	<u>256</u>	Letter from Timothy W. Riffe <i>re inadvertent mistake in data</i> . (Attachments: # <u>1</u> Declaration of Roger Kearsley (CORRECTED, REDACTED Version)) (Riffe, Timothy) (Filed on 12/18/2018) (Entered: 12/18/2018)
12/19/2018	<u>257</u>	Administrative Motion to File Under Seal <i>Portions of MLC's Motion to Compel Pursuant to Court Orders and Exhibits in Support Thereof</i> filed by MLC Intellectual Property, LLC. (Attachments: # <u>1</u> Declaration Rebecca Horton, # <u>2</u> Proposed Order, # <u>3</u> REDACTED Version of Motion to Compel Pursuant to Court Orders and Exhibits in Support Thereof, # <u>4</u> UNREDACTED Version of Motion to Compel Pursuant to Court Orders and Exhibits in Support Thereof, # <u>5</u> Exhibit UNREDACTED Version of Ex. B, # <u>6</u> Exhibit UNREDACTED Version of Ex. C, # <u>7</u> Exhibit UNREDACTED Version of Ex. E, # <u>8</u> Exhibit REDACTED Version of Ex. E, # <u>9</u> Exhibit UNREDACTED Version of Ex. F, # <u>10</u> Exhibit UNREDACTED Version of Ex. G)(Horton, Rebecca) (Filed on 12/19/2018) (Entered: 12/19/2018)
12/19/2018	<u>258</u>	MOTION to Compel <i>Pursuant to Court Orders</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 1/11/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 1/2/2019. Replies due by 1/9/2019. (Attachments: # <u>1</u> Declaration Fabio Marino, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Proposed Order)(Marino, Fabio) (Filed on 12/19/2018) (Entered: 12/19/2018)
12/19/2018	<u>259</u>	Administrative Motion to File Under Seal <i>Joint Discovery Letters</i> filed by Micron Technology, Inc.. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order, # <u>3</u> REDACTED Joint Discovery Dispute Letter Regarding Asserted Patent Ownership and Standing, # <u>4</u> UNREDACTED Joint Discovery Dispute Letter Regarding Asserted Patent Ownership and Standing, # <u>5</u> REDACTED Joint Discovery Dispute Letter Regarding Financial Interests in Asserted Patent, # <u>6</u> UNREDACTED Joint Discovery Dispute Letter Regarding Financial Interests in Asserted Patent, # <u>7</u> REDACTED Joint Discovery Dispute Letter Regarding MLC In-House Law License, # <u>8</u> UNREDACTED Joint Discovery Dispute Letter Regarding MLC In-House Law License)(Schwentker, Robert Andrew) (Filed on 12/19/2018) (Entered: 12/19/2018)
12/19/2018	<u>260</u>	MOTION to Shorten Time <i>WITH RESPECT TO THE HEARING DATE ON MLC INTELLECTUAL PROPERTY, LLC'S MOTION TO COMPEL PURSUANT TO COURT ORDER</i> filed by MLC Intellectual Property, LLC. (Attachments: # <u>1</u> Declaration Rebecca Horton, # <u>2</u> Proposed Order)(Horton, Rebecca) (Filed on 12/19/2018) (Entered: 12/19/2018)
12/19/2018	<u>261</u>	

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		ADMINISTRATIVE MOTION to Redact Transcript of Nov. 15, 2018 Hearing filed by Micron Technology, Inc.. Responses due by 12/24/2018. (Attachments: # 1 Declaration, # 2 Proposed Order)(Schwentker, Robert Andrew) (Filed on 12/19/2018) (Entered: 12/19/2018)
12/20/2018	262	Joint Discovery Letter Brief <i>re ITC Investigation Documents and Information Containing MLC Information</i> filed by Micron Technology, Inc.. (Dowd, Matthew) (Filed on 12/20/2018) (Entered: 12/20/2018)
12/21/2018	263	ORDER by Judge Susan Illston granting 260 Motion to Shorten Time. *See order for changes. (tfS, COURT STAFF) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/21/2018	264	ORDER by Judge Susan Illston granting 255 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/21/2018	265	ORDER ENTERING SUMMARY JUDGMENT AGAINST DEFENDANT'S DEFENSE BASED UPON OBVIOUSNESS-TYPE DOUBLE PATENTING (Illston, Susan) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/21/2018	266	Administrative Motion to File Under Seal <i>Mot to Supplement Answer & Counterclaims</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration ISO Motion to Seal, # 2 Proposed Order Granting Mot to Seal, # 3 REDACTED Motion to Supplement, # 4 UNREDACTED Motion to Supplement, # 5 REDACTED Ex A to Mot to Supplement, # 6 UNREDACTED EX A to Mot to Supplement, # 7 UNREDACTED Ex B to Motion (Sealed in its Entirety), # 8 REDACTED Shartzter Dec ISO Mot to Supplement, # 9 UNREDACTED Shartzter Dec ISO Mot to Supplement, # 10 UNREDACTED Ex 1 to Shartzter Dec ISO Mot to Supplement (Sealed in its Entirety), # 11 UNREDACTED Ex 2 to Shartzter Dec ISO Mot to Supplement (Sealed in its Entirety), # 12 UNREDACTED Ex 3 to Shartzter Dec ISO Mot to Supplement (Sealed in its Entirety), # 13 UNREDACTED Ex 4 to Shartzter Dec ISO Mot to Supplement (Sealed in its Entirety), # 14 UNREDACTED Ex 5 to Shartzter Dec ISO Mot to Supplement (Sealed in its Entirety))(Shartzter, Adam) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/21/2018	267	MOTION for Leave to File <i>Supplemental Answer & Counterclaims for Breach of Restricted Use Agreement (REDACTED)</i> filed by Micron Technology, Inc.. (Attachments: # 1 Exhibit A to Motion (REDACTED), # 2 Exhibit B to Motion (REDACTED), # 3 Declaration REDACTED, # 4 Exhibit 1 to Declaration (Filed Under Seal in its Entirety), # 5 Exhibit 2 to Declaration (Filed Under Seal in its Entirety), # 6 Exhibit 3 to Declaration (Filed Under Seal in its Entirety), # 7 Exhibit 4 to Declaration (Filed Under Seal in its Entirety), # 8 Exhibit 5 to Declaration (Filed Under Seal in its Entirety), # 9 Proposed Order) (Shartzter, Adam) (Filed on 12/21/2018) (Entered: 12/21/2018)
12/26/2018	268	CLERK'S NOTICE Continuing Motion Hearing. Counsel is reminded to correctly docket and calendar motions.. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 267 MOTION for Leave to File <i>Supplemental Answer &</i>

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		<i>Counterclaims for Breach of Restricted Use Agreement (REDACTED)</i> . Motion Hearing set for 1/25/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 12/26/2018) (Entered: 12/26/2018)
01/02/2019	269	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 267 MOTION for Leave to File <i>Supplemental Answer & Counterclaims for Breach of Restricted Use Agreement (REDACTED)</i> . Motion Hearing set for 2/1/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 1/2/2019) (Entered: 01/02/2019)
01/03/2019	270	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 258 MOTION to Compel Pursuant to Court Orders. Motion Hearing set for 1/11/2019 10:00 AM (instead of 9:00 a.m.) in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/03/2019	271	DISREGARD ENTRY - FILED IN ERROR. CLERK'S NOTICE Continuing Motion Hearings.. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 258 MOTION to Compel Pursuant to Court Orders, 267 MOTION for Leave to File <i>Supplemental Answer & Counterclaims for Breach of Restricted Use Agreement (REDACTED)</i> . Both Motions are set for 1/28/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 1/3/2019) Modified on 1/3/2019 (tfS, COURT STAFF). (Entered: 01/03/2019)
01/03/2019	272	AMENDED - CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 258 MOTION to Compel Pursuant to Court Orders. Motion Hearing set for 1/11/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/03/2019	273	Amended Clerk's Notice re: Motion for Leave to File. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 267 MOTION for Leave to File <i>Supplemental Answer & Counterclaims for Breach of Restricted Use Agreement (REDACTED)</i> . Motion Hearing set for 2/8/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/03/2019	274	Administrative Motion to File Under Seal <i>Micron's Opposition to MLC's Motion to Compel and Exhibits Thereto</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Redacted Opposition, # 4 Unredacted Opposition, # 5 Declaration Redacted, # 6 Declaration Unredacted, # 7 Exhibit A Unredacted - Public, # 8 Exhibit B Redacted, # 9 Exhibit B Unredacted, # 10 Exhibit C Redacted, # 11 Exhibit C Unredacted, # 12 Exhibit D Redacted, # 13 Exhibit D Unredacted, # 14 Exhibit E Unredacted

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		- Public, # 15 Exhibit F Redacted, # 16 Exhibit F Unredacted, # 17 Exhibit G Unredacted - Public)(Shartzter, Adam) (Filed on 1/3/2019) (Entered: 01/03/2019)
01/04/2019	275	ORDER by Judge Susan Illston granting 266 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 1/4/2019) (Entered: 01/04/2019)
01/04/2019	276	ORDER by Judge Susan Illston granting 259 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 1/4/2019) (Entered: 01/04/2019)
01/04/2019	277	ORDER by Judge Susan Illston granting 257 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 1/4/2019) (Entered: 01/04/2019)
01/04/2019	278	Administrative Motion to File Under Seal <i>Portions of MLC's Opposition to Micron MFL to Supplement Its Answer and Counterclaims and Exhibits in Support Thereof</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca Horton Declaration, # 2 Proposed Order, # 3 REDACTED Version of MLC's Opposition to Micron's MFL to Supplement it's Answer and Counterclaims, # 4 UNREDACTED Version of MLC's Opposition to Micron's MFL to Supplement it's Answer and Counterclaims, # 5 Exhibit UNREDACTED Version of Exhibit A, # 6 Exhibit UNREDACTED Version of Exhibit B, # 7 Exhibit UNREDACTED Version of Exhibit C, # 8 Exhibit UNREDACTED Version of Exhibit D, # 9 Exhibit UNREDACTED Version of Exhibit E, # 10 Exhibit UNREDACTED Version of Exhibit F, # 11 Exhibit UNREDACTED Version of Exhibit G, # 12 Exhibit UNREDACTED Version of Exhibit H, # 13 Exhibit UNREDACTED Version of Exhibit I, # 14 Exhibit UNREDACTED Version of Exhibit J, # 15 Exhibit UNREDACTED Version of Exhibit K, # 16 Exhibit UNREDACTED Version of Exhibit L, # 17 Exhibit UNREDACTED Version of Exhibit M, # 18 Exhibit UNREDACTED Version of Exhibit N, # 19 Exhibit UNREDACTED Version of Exhibit O) (Marino, Fabio) (Filed on 1/4/2019) (Entered: 01/04/2019)
01/04/2019	279	OPPOSITION/RESPONSE (re 267 MOTION for Leave to File <i>Supplemental Answer & Counterclaims for Breach of Restricted Use Agreement (REDACTED)</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration of Fabio Marino, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O)(Marino, Fabio) (Filed on 1/4/2019) (Entered: 01/04/2019)
01/07/2019	280	ORDER by Judge Susan Illston denying 261 Administrative Motion Request to Redact Transcript. (tfS, COURT STAFF) (Filed on 1/7/2019) (Entered: 01/07/2019)
01/07/2019	281	ORDER RE: DISCOVERY granting in part and denying in part 262 Discovery Letter Brief. (Illston, Susan) (Filed on 1/7/2019) (Entered: 01/07/2019)

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01/08/2019	282	Administrative Motion to File Under Seal <i>Portions of MLC's Reply to Micron's Opposition to Motion to Compel, and Exhibits</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of Reply to Micron's Opposition to Motion to Compel, # 4 UNREDACTED Version of Reply to Micron's Opposition to Motion to Compel, # 5 Exhibit REDACTED Version of Exhibit A, # 6 Exhibit UNREDACTED Version of Exhibit A, # 7 Exhibit REDACTED Version of Exhibit B, # 8 Exhibit UNREDACTED Version of Exhibit B, # 9 Exhibit REDACTED Version of Exhibit C, # 10 Exhibit UNREDACTED Version of Exhibit C)(Horton, Rebecca) (Filed on 1/8/2019) (Entered: 01/08/2019)
01/08/2019	283	REPLY (re 258 MOTION to Compel <i>Pursuant to Court Orders</i>) <i>MLC's Reply to Micron's Opposition to Motion to Compel</i> filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Barrington Dyer, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C)(Horton, Rebecca) (Filed on 1/8/2019) (Entered: 01/08/2019)
01/09/2019	284	ORDER by Judge Susan Illston granting 274 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 1/9/2019) (Entered: 01/09/2019)
01/09/2019	285	EXHIBITS re 282 Administrative Motion to File Under Seal <i>Portions of MLC's Reply to Micron's Opposition to Motion to Compel, and Exhibits Re Dkt. 228-6</i> filed byMLC Intellectual Property, LLC. (Related document(s) 282) (Nguyen, Teri) (Filed on 1/9/2019) (Entered: 01/09/2019)
01/11/2019	286	ORDER by Judge Susan Illston granting 278 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 1/11/2019) (Entered: 01/11/2019)
01/11/2019	287	ORDER by Judge Susan Illston granting 282 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 1/11/2019) (Entered: 01/11/2019)
01/11/2019	288	ORDER DENYING PLAINTIFF'S MOTION TO AMEND THE COMPLAINT denying 233 Motion to Amend/Correct ;. (Illston, Susan) (Filed on 1/11/2019) (Entered: 01/11/2019)
01/11/2019	289	ORDER OF REFERRAL (Illston, Susan) (Filed on 1/11/2019) (Entered: 01/11/2019)
01/11/2019		CASE REFERRED to Magistrate Judge for Discovery Motion Dkt. No. 259-8 only. (tfS, COURT STAFF) (Filed on 1/11/2019) (Entered: 01/11/2019)
01/11/2019	290	Administrative Motion to File Under Seal <i>Reply ISO 267 MOTION for Leave to File Supplemental Answer & Counterclaims for Breach of Restricted Use Agreement</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration ISO Mot to Seal, # 2 Proposed Order, # 3 REDACTED Reply ISO Mot to Supp Answer & Add Counterclaims, # 4 UNREDACTED Reply ISO Mot to Supp Answer & Add Counterclaims, # 5 Declaration ISO Reply ISO Mot to Supp, # 6 Exhibit A (Submitted Entirely Under Seal), # 7 Exhibit B (Submitted Entirely Under Seal), # 8 Exhibit C (Submitted Entirely Under Seal), # 9

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		Exhibit D (Submitted Entirely Under Seal), # 10 Exhibit E (Submitted Entirely Under Seal))(Schwentker, Robert Andrew) (Filed on 1/11/2019) (Entered: 01/11/2019)
01/14/2019	291	ORDER DENYING PLAINTIFF'S MOTION TO COMPEL denying 258 Motion to Compel. (Illston, Susan) (Filed on 1/14/2019) (Entered: 01/14/2019)
01/14/2019		Motion 259 assigned to Magistrate Judge Joseph C. Spero. (ahm, COURT STAFF) (Filed on 1/14/2019) (Entered: 01/14/2019)
01/14/2019	292	Minute Entry for proceedings held before Judge Susan Illston: Motion Hearing held on 1/11/2019. Motion to Amend is submitted and Motion to Compel is the be referred to a Magistrate Judge for determination.Total Time in Court: 17 minutes. Court Reporter: Ana Dub. (tfS, COURT STAFF) (Date Filed: 1/14/2019) (Entered: 01/14/2019)
01/14/2019	293	ORDER RE: ITC INVESTIGATION DOCUMENTS (Illston, Susan) (Filed on 1/14/2019) (Entered: 01/14/2019)
01/15/2019	294	NOTICE by MLC Intellectual Property, LLC re 281 Order on Discovery Letter Brief <i>NOTICE OF COMPLIANCE WITH COURT ORDER, DKT. 281</i> (Marino, Fabio) (Filed on 1/15/2019) (Entered: 01/15/2019)
01/15/2019	295	TRANSCRIPT ORDER for proceedings held on 1/11/19 before Judge Susan Illston by Micron Technology, Inc, for Court Reporter Ana Dub. (Shartzter, Adam) (Filed on 1/15/2019) (Entered: 01/15/2019)
01/15/2019	296	TRANSCRIPT ORDER for proceedings held on 01/11/2019 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Ana Dub. (Marino, Fabio) (Filed on 1/15/2019) (Entered: 01/15/2019)
01/16/2019	297	STIPULATION <i>regarding Discovery</i> filed by Micron Technology, Inc. and MLC Intellectual Property, LLC (Riffe, Timothy) (Filed on 1/16/2019) Modified on 1/16/2019 (amgS, COURT STAFF). (Entered: 01/16/2019)
01/16/2019	298	ORDER by Judge Susan Illston granting 290 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/16/2019	299	ORDER SETTING SCHEDULE RE DISCOVERY DISPUTE (Docket No. 259-8). Defendant Micron shall file a motion to compel no later than January 23, 2019. Plaintiff MLC shall file its opposition no later than February 6, 2019. Defendant shall file its reply no later than February 13, 2019. A hearing on the motion will be held on March 1, 2019 at 2:00 p.m. in Courtroom G. Signed by Judge Joseph C. Spero on January 16, 2019. (jcs1S, COURT STAFF) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/16/2019		Set/Reset Deadlines: Responses due by 2/6/2019. Replies due by 2/13/2019. Motion Hearing set for 3/1/2019 02:00 PM in San Francisco, Courtroom G, 15th Floor before Magistrate Judge Joseph C. Spero. Motion to Compel due by 1/23/2019. (klhS, COURT STAFF) (Filed on 1/16/2019)See Order 299 (Entered: 01/16/2019)

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01/22/2019		Set/Reset Deadlines as to 267 MOTION for Leave to File <i>Supplemental Answer & Counterclaims for Breach of Restricted Use Agreement (REDACTED)</i> . Motion Hearing set for 2/8/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 1/22/2019) (Entered: 01/22/2019)
01/22/2019	300	NOTICE by Micron Technology, Inc re 291 Order on Motion to Compel <i>Notice of Compliance with Court Order</i> (Riffe, Timothy) (Filed on 1/22/2019) (Entered: 01/22/2019)
01/23/2019	301	Administrative Motion to File Under Seal <i>Portions of Micron's Motion to Compel Production & Exhibits Supporting Same</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 REDACTED VERSION of Micron's Mot to Compel, # 4 UNREDACTED VERSION of Micron's Mot to Compel, # 5 Exhibit B to the Shartzter Dec ISO Micron MTC (Filed Entirely Under Seal), # 6 Exhibit D to the Shartzter Dec ISO MTC (Filed Entirely Under Seal), # 7 REDACTED VERSION of Ex F to the Shartzter Dec ISO MTC, # 8 UNREDACTED VERSION of Ex F to Shartzter Dec ISO MTC, # 9 Exhibit G to the Shartzter Dec ISO MTC (Filed Entirely Under Seal))(Ellis, Michael) (Filed on 1/23/2019) (Entered: 01/23/2019)
01/23/2019	302	MOTION to Compel <i>Production of Non-Privileged Documents and Communications (Redacted Version)</i> filed by Micron Technology, Inc.. Motion Hearing set for 3/1/2019 02:00 PM in San Francisco, Courtroom G, 15th Floor before Magistrate Judge Joseph C. Spero. Responses due by 2/6/2019. Replies due by 2/13/2019. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit B (Filed Entirely Under Seal), # 4 Exhibit C, # 5 Exhibit D (Filed Entirely Under Seal), # 6 Exhibit E, # 7 Exhibit F (Redacted Version), # 8 Exhibit G (Filed Entirely Under Seal))(Shartzter, Adam) (Filed on 1/23/2019) (Entered: 01/23/2019)
01/25/2019	303	STIPULATION WITH PROPOSED ORDER <i>Requesting Order Enlarging Expert Disclosure and Discovery Deadlines</i> filed by MLC Intellectual Property, LLC and Micron Technology, Inc. (Attachments: # 1 Declaration ISO Joint Stipulation)(Nguyen, Teri) (Filed on 1/25/2019) Modified on 1/28/2019 (amgS, COURT STAFF). (Entered: 01/25/2019)
01/25/2019	304	ORDER by Judge Susan Illston granting 303 Stipulation Requesting Order Enlarging Expert Disclosure and Discovery Deadlines. (tfS, COURT STAFF) (Filed on 1/25/2019) (Entered: 01/25/2019)
01/31/2019	305	Letter from Adam Shartzter to Judge Illston <i>Regarding New Infringement Products and Theories</i> . (Shartzter, Adam) (Filed on 1/31/2019) (Entered: 01/31/2019)
02/01/2019	306	Administrative Motion to File Under Seal <i>Portions of MLC's Motion for Leave to File First Amended Infringement Contentions and Exhibits in Support Thereof</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 *** FILED IN ERROR. PLEASE SEE 321 *** REDACTED Version of Motion for Leave to File First Amended Infringement Contentions and Exhibits in Support Thereof, # 4 UNREDACTED Version of Motion for Leave to File First Amended

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		<p>Infringement Contentions and Exhibits in Support Thereof, # 5 Declaration REDACTED Version of Rebecca B. Horton Declaration ISO MFL, # 6 Declaration UNREDACTED Version of Rebecca B. Horton Declaration ISO MFL, # 7 Exhibit REDACTED Version of Ex. 1, # 8 Exhibit UNREDACTED Version of Ex. 1, # 9 Exhibit REDACTED Version of Ex. 3, # 10 Exhibit UNREDACTED Version of Ex. 3, # 11 Exhibit REDACTED Version of Ex. 11, # 12 Exhibit UNREDACTED Version of Ex. 11, # 13 Exhibit REDACTED Version of Ex. 12, # 14 Exhibit UNREDACTED Version of Ex. 12, # 15 Exhibit REDACTED Version of Ex. 13, # 16 Exhibit UNREDACTED Version of Ex. 13, # 17 Exhibit REDACTED Version of Ex. 14, # 18 Exhibit UNREDACTED Version of Ex. 14, # 19 Exhibit REDACTED Version of Ex. 15, # 20 Exhibit UNREDACTED Version of Ex. 15, # 21 Exhibit REDACTED Version of Ex. 16, # 22 Exhibit UNREDACTED Version of Ex. 16, # 23 Exhibit REDACTED Version of Ex. 18, # 24 Exhibit UNREDACTED Version of Ex. 18, # 25 Exhibit REDACTED Version of Ex. 19, # 26 Exhibit UNREDACTED Version of Ex. 19, # 27 Exhibit REDACTED Version of Ex. 20, # 28 Exhibit REDACTED Version of Ex. 20, # 29 Exhibit REDACTED Version of Ex. 21, # 30 Exhibit UNREDACTED Version of Ex. 21, # 31 Exhibit REDACTED Version of Ex. 22, # 32 Exhibit UNREDACTED Version of Ex. 22, # 33 Exhibit REDACTED Version of Ex. 23, # 34 Exhibit UNREDACTED Version of Ex. 23, # 35 Exhibit REDACTED Version of Ex. 24, # 36 Exhibit UNREDACTED Version of Ex. 24, # 37 Exhibit REDACTED Version of Ex. 25, # 38 Exhibit UNREDACTED Version of Ex. 25, # 39 Declaration REDACTED Version of Jack Lee Declaration ISO MFL, # 40 Declaration UNREDACTED Version of Jack Lee Declaration ISO MFL) (Horton, Rebecca) (Filed on 2/1/2019) Modified on 2/12/2019 (amgS, COURT STAFF). (Entered: 02/01/2019)</p>
02/01/2019	307	<p>MOTION to Amend/Correct <i>Motion for Leave to File First Amended Infringement Contentions</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 3/8/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 2/15/2019. Replies due by 2/22/2019. (Attachments: # 1 *** FILED IN ERROR. PLEASE SEE 321 *** Motion for Leave to File First Amended Infringement Contentions, # 2 Declaration Rebecca B. Horton, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9, # 12 Exhibit 10, # 13 Exhibit 11, # 14 Exhibit 12, # 15 Exhibit 13, # 16 Exhibit 14, # 17 Exhibit 15, # 18 Exhibit 17, # 19 Exhibit 18, # 20 Exhibit 19, # 21 Exhibit 20, # 22 Exhibit 21, # 23 Exhibit 22, # 24 Exhibit 23, # 25 Exhibit 24, # 26 Exhibit 25, # 27 Declaration Jack Lee, # 28 Proposed Order) (Horton, Rebecca) (Filed on 2/1/2019) Modified on 2/12/2019 (amgS, COURT STAFF). (Entered: 02/01/2019)</p>
02/01/2019	308	<p>EXHIBITS re 306 Administrative Motion to File Under Seal <i>Portions of MLC's Motion for Leave to File First Amended Infringement Contentions and Exhibits in Support Thereof</i> CORRECTION OF DOCKET [306-21] filed by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit REDACTED VERSION of Ex. 16, # 2 Exhibit UNREDACTED VERSION of Ex. 16) (Related document(s) 306) (Horton, Rebecca) (Filed on 2/1/2019) (Entered: 02/01/2019)</p>

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02/01/2019	309	Letter from Fabio E. Marino regarding 305 Micron's January 31, 2019 Letter . (Marino, Fabio) (Filed on 2/1/2019) Modified on 2/4/2019 (amgS, COURT STAFF). (Entered: 02/01/2019)
02/04/2019	310	CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Telephone Conference set for 2/5/2019 02:00 PM before Judge Susan Illston. Counsel shall email the Clerk with Counsel's direct dial phone numbers. (tfS, COURT STAFF) (Filed on 2/4/2019) (Entered: 02/04/2019)
02/05/2019	311	Minute Entry for proceedings held before Judge Susan Illston: Telephone Conference held on 2/5/2019. Case continued to 2/22/19 @ 10 a.m. for Motion to Amend/Correct for Leave to File First Amended Infringement Contentions [Doc. No. 307]. The motion shall be heard on shorten time. Opposition due: 2/11/19, Reply due: by noon 2/15/19). The Motion for Leave to File Supplemental Answer and Counterclaims scheduled for argument on Friday, February 8, 2019, has been taken off calendar and shall be deemed submitted without argument. The deadline of 2/28/19 for rebuttal expert reports is held in abeyance until further order of the Court. Total Time in Court: 5 minutes. Court Reporter: n/a. (tfS, COURT STAFF) (Date Filed: 2/5/2019) (Entered: 02/05/2019)
02/05/2019		Set/Reset Deadlines as to 307 MOTION to Amend/Correct <i>Motion for Leave to File First Amended Infringement Contentions</i> . Responses due by 2/11/2019. Replies due by 2/15/2019. Motion Hearing set for 2/22/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 2/5/2019) (Entered: 02/05/2019)
02/05/2019		Set/Reset Deadlines as to Doc. No. 267 - motion to amend is taken off calendar - deemed submitted (tfS, COURT STAFF) (Filed on 2/5/2019) (Entered: 02/05/2019)
02/05/2019		Administrative Docket update (tfS, COURT STAFF) (Filed on 2/5/2019) (Entered: 02/05/2019)
02/05/2019	312	Declaration of Jonathan B. Bright in Support of 306 Administrative Motion to File Under Seal <i>Portions of MLC's Motion for Leave to File First Amended Infringement Contentions and Exhibits in Support Thereof</i> filed by Micron Technology, Inc.. (Related document(s) 306) (Bright, Jonathan) (Filed on 2/5/2019) (Entered: 02/05/2019)
02/06/2019	313	Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's MTC Production of Non-Privileged Documents and Communications Between Mr. Hinckley and Mr. Banks</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of Opposition, # 4 UNREDACTED Version of Opposition, # 5 Declaration REDACTED Version of Fabio E. Marino Declaration, # 6 Declaration UNREDACTED Version of Fabio E. Marino Declaration, # 7 Exhibit UNREDACTED Version of Ex. 2, # 8 Exhibit UNREDACTED Version of Ex. 3, # 9 Exhibit UNREDACTED Version of Ex. 4, # 10 Exhibit UNREDACTED Version of Ex. 5, # 11 Exhibit

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		UNREDACTED Version of Ex. 6)(Horton, Rebecca) (Filed on 2/6/2019) (Entered: 02/06/2019)
02/06/2019	314	OPPOSITION/RESPONSE (re 302 MOTION to Compel <i>Production of Non-Privileged Documents and Communications (Redacted Version)</i>) filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Declaration Jerry Banks)(Horton, Rebecca) (Filed on 2/6/2019) Modified on 2/7/2019 (amgS, COURT STAFF). (Entered: 02/06/2019)
02/07/2019	315	ORDER by Judge Susan Illston granting 306 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 2/7/2019) (Entered: 02/07/2019)
02/08/2019	316	ORDER GRANTING DEFENDANT'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL ANSWER AND COUNTERCLAIM granting 267 Motion for Leave to File. (Illston, Susan) (Filed on 2/8/2019) (Entered: 02/08/2019)
02/11/2019	317	Declaration of Michael R. Ellis in Support of 313 Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's MTC Production of Non-Privileged Documents and Communications Between Mr. Hinckley and Mr. Banks</i> filed by Micron Technology, Inc. (Related document(s) 313) (Ellis, Michael) (Filed on 2/11/2019) (Entered: 02/11/2019)
02/11/2019	318	Administrative Motion to File Under Seal <i>Micron's Opp to MLC's Mot for Lv to Amend Infringement Contentions</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Jonathan Bright ISO Mot to Seal, # 2 Proposed Order, # 3 REDACTED Opp to MLC's Mot for Lv to Amend Infringement Contentions, # 4 UNREDACTED Opp to MLC's Mot for Lv to Amend Infringement Contentions, # 5 REDACTED Bright Dec ISO Opp to MLC's Mot for Lv to Amend, # 6 UNREDACTED Bright Dec ISO Opp to MLC's Mot for Lv to Amend, # 7 Exhibit H to the Bright Dec (Filed Entirely Under Seal), # 8 Exhibit I to the Bright Dec (Filed Entirely Under Seal), # 9 REDACTED Ex J to the Bright Dec, # 10 UNREDACTED Ex J to the Bright Dec, # 11 Exhibit K to the Bright Dec (Filed Entirely Under Seal), # 12 Exhibit L to the Bright Dec (Filed Entirely Under Seal))(Shartzter, Adam) (Filed on 2/11/2019) (Entered: 02/11/2019)
02/11/2019	319	OPPOSITION/RESPONSE (re 307 MOTION to Amend/Correct <i>Motion for Leave to File First Amended Infringement Contentions</i>) (<i>Redacted Version</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Jonathan Bright (Redacted Version), # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H (Filed Entirely Under Seal), # 10 Exhibit I (Filed Entirely Under Seal), # 11 Exhibit J (Redacted Version), # 12 Exhibit K (Filed Entirely Under Seal), # 13 Exhibit L (Filed Entirely Under Seal), # 14 Exhibit M)(Shartzter, Adam) (Filed on 2/11/2019) (Entered: 02/11/2019)
02/11/2019	320	Administrative Motion to File Under Seal <i>1st Supplemental Answer & Counterclaims</i> filed by Micron Technology, Inc.. (Attachments: # 1

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		Declaration ISO Mot to Seal, # 2 Proposed Order Granting Mot to Seal, # 3 REDACTED 1st Supp Answer & Counterclaims, # 4 UNREDACTED 1st Supp Answer & Counterclaims)(Shartzter, Adam) (Filed on 2/11/2019) (Entered: 02/11/2019)
02/12/2019	321	REDACTION to 307 MOTION to Amend/Correct <i>Motion for Leave to File First Amended Infringement Contentions CORRECTION OF DOCKET [306-3], [307-1]</i> by MLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 2/12/2019) (Entered: 02/12/2019)
02/13/2019	322	Administrative Motion to File Under Seal <i>Portions of Micron Technolog, Inc.'s Reply ISO Motion to Compel Production of Non-Privileged Documents and Communications Between Mr. Hinckley and Mr. Banks and Exhibits Thereto</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Redacted Reply, # 4 Unredacted Reply File Under Seal, # 5 Exhibit File Under Seal)(Ellis, Michael) (Filed on 2/13/2019) (Entered: 02/13/2019)
02/13/2019	323	REPLY (re 302 MOTION to Compel <i>Production of Non-Privileged Documents and Communications (Redacted Version)</i>) filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Exhibit H)(Shartzter, Adam) (Filed on 2/13/2019) (Entered: 02/13/2019)
02/15/2019	324	ORDER by Judge susan Illston granting 320 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 2/15/2019) (Entered: 02/15/2019)
02/15/2019	325	ORDER by Judge Susan Illston granting 318 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 2/15/2019) (Entered: 02/15/2019)
02/15/2019	326	Administrative Motion to File Under Seal <i>Portions of MLC's Reply ISO MLC's Motion for Leave to Amend Infringement Contentions</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 Exhibit UNREDACTED Version of Ex. 1, # 4 Exhibit UNREDACTED Version of Ex. 2, # 5 Exhibit UNREDACTED Version of Ex. 3, # 6 Exhibit REDACTED Version of Ex. 3, # 7 Exhibit UNREDACTED Version of Ex. 4)(Horton, Rebecca) (Filed on 2/15/2019) (Entered: 02/15/2019)
02/15/2019	327	EXHIBITS re 326 Administrative Motion to File Under Seal <i>Portions of MLC's Reply ISO MLC's Motion for Leave to Amend Infringement Contentions</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 REDACTED Version of MLC's Reply ISO MLC's MFL to Amend Infringement Contentions, # 2 UNREDACTED Version of MLC's Reply ISO MLC's MFL to Amend Infringement Contentions, # 3 Declaration REDACTED Version of Declaration of Fabio E. Marino, # 4 Declaration UNREDACTED Version of Declaration of Fabio E. Marino)(Related document(s) 326) (Horton, Rebecca) (Filed on 2/15/2019) Modified on 2/15/2019 (amgS, COURT STAFF). (Entered: 02/15/2019)
02/15/2019	328	REPLY (re 307 MOTION to Amend/Correct <i>Motion for Leave to File First Amended Infringement Contentions</i>) filed by MLC Intellectual Property, LLC.

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		(Attachments: # 1 Declaration Fabio Marino, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4)(Horton, Rebecca) (Filed on 2/15/2019) Modified on 2/15/2019 (amgS, COURT STAFF). (Entered: 02/15/2019)
02/19/2019	329	ORDER RE: MLC'S MOTION TO AMEND INFRINGEMENT CONTENTIONS (Illston, Susan) (Filed on 2/19/2019) (Entered: 02/19/2019)
02/19/2019	330	Declaration of Rebecca B. Horton in Support of 322 Administrative Motion to File Under Seal <i>Portions of Micron Technolog, Inc.'s Reply ISO Motion to Compel Production of Non-Privileged Documents and Communications Between Mr. Hinckley and Mr. Banks and Exhibits Thereto</i> filed byMLC Intellectual Property, LLC. (Related document(s) 322) (Horton, Rebecca) (Filed on 2/19/2019) (Entered: 02/19/2019)
02/19/2019	331	Declaration of Jonathan Bright in Support of 326 , 327 Plaintiff's Request to File Documents Designated Confidential Under Seal filed by Micron Technology, Inc.. (Bright, Jonathan) (Filed on 2/19/2019) Modified on 2/20/2019 (amgS, COURT STAFF). (Entered: 02/19/2019)
02/20/2019	332	ORDER REQUIRING MLC TO PRODUCE PRIVILEGE LOG BY FEBRUARY 27, 2019, REQUIRING PARTIES TO MEET AND CONFER BY MARCH 6, 2019, TO SUBMIT A JOINT LETTER ADVISING THE COURT OF THE RESULTS OF THE MEET AND CONFER PROCESS BY MARCH 8, 2019, AND CONTINUING THE HEARING ON THE MOTION TO COMPEL TO MARCH 15, 2019 AT 2:00 PM. Signed by Judge Joseph C. Spero on February 20, 2019. (jcs1c1S, COURT STAFF) (Filed on 2/20/2019) Modified on 2/25/2019 (klhS, COURT STAFF). Modified to correct typographical error regarding submission of the Joint Letter. Date was inadvertently typed in as 3/6. Correct date is 3/8. (Entered: 02/20/2019)
02/20/2019		Set/Reset Deadlines as to 302 MOTION to Compel <i>Production of Non-Privileged Documents and Communications (Redacted Version)</i> . Motion Hearing re-set for 3/15/2019 02:00 PM in San Francisco, Courtroom G, 15th Floor before Chief Magistrate Judge Joseph C. Spero. (klhS, COURT STAFF) (Filed on 2/20/2019)See Order 332 (Entered: 02/20/2019)
02/20/2019	333	ORDER TO SHOW CAUSE WHY ADMINISTRATIVE MOTIONS TO SEAL SHOULD NOT BE DENIED. Responses due by February 26, 2019. Signed by Judge Joseph C. Spero on February 20, 2019. (jcs1c1S, COURT STAFF) (Filed on 2/20/2019) (Entered: 02/20/2019)
02/20/2019	334	Order, signed 2/20/19, by Chief Magistrate Judge Joseph C. Spero granting 313 Administrative Motion to File Under Seal Portions of MLC Intellectual Property's Opposition to Micron's Motion to Compel Production of Non-Privileged Documents and Communications between Mr. Hinckley and Mr. Banks.(klhS, COURT STAFF) (Filed on 2/20/2019) (Entered: 02/20/2019)
02/22/2019	335	Minute Entry for proceedings held before Judge Susan Illston: Motion Hearing held on 2/22/2019. Motion to Amend/Correct 307 - HELD AND

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		SUBMITTED. Total Time in Court: 50 minutes. Court Reporter: Lee-Anne Shortridge. (tfS, COURT STAFF) (Date Filed: 2/22/2019) (Entered: 02/22/2019)
02/25/2019	336	Judicial Referral for Purpose of Determining Relationship of Cases re 19-mc-80047-TSH. Signed by Judge Thomas S. Hixson on 2/25/2019. (tshlc2, COURT STAFF) (Filed on 2/25/2019) (Entered: 02/25/2019)
02/25/2019	337	TRANSCRIPT ORDER for proceedings held on 2/22/2019 before Judge Susan Illston by Micron Technology, Inc, for Court Reporter Lee-Anne Shortridge. (Shartzer, Adam) (Filed on 2/25/2019) (Entered: 02/25/2019)
02/25/2019	338	TRANSCRIPT ORDER for proceedings held on 02/22/2019 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Lee-Anne Shortridge. (Marino, Fabio) (Filed on 2/25/2019) (Entered: 02/25/2019)
02/25/2019	339	Administrative Motion to File Under Seal <i>MLC's Answer to Micron's First Supplemental Counterclaims for Breach and Anticipatory Breach</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri H.P. Nguyen, # 2 Proposed Order, # 3 REDACTED Version of MLC's Answer to Micron's First Suppl. Counterclaims for Breach and Anticipatory Breach, # 4 UNREDACTED Version of MLC's Answer to Micron's First Suppl. Counterclaims for Breach and Anticipatory Breach)(Nguyen, Teri) (Filed on 2/25/2019) (Entered: 02/25/2019)
02/26/2019	340	Declaration of Rebecca B. Horton in Support of 301 Administrative Motion to File Under Seal <i>Portions of Micron's Motion to Compel Production & Exhibits Supporting Same</i> , 322 Administrative Motion to File Under Seal <i>Portions of Micron Technolog, Inc.'s Reply ISO Motion to Compel Production of Non-Privileged Documents and Communications Between Mr. Hinckley and Mr. Banks and Exhibits Thereto</i> , 330 Declaration in Support, filed by MLC Intellectual Property, LLC. (Related document(s) 301 , 322 , 330) (Horton, Rebecca) (Filed on 2/26/2019) (Entered: 02/26/2019)
02/27/2019	341	ORDER by Judge Susan Illston granting 326 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 2/27/2019) (Entered: 02/27/2019)
02/27/2019	342	ORDER by Judge Susan Illston granting 339 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 2/27/2019) (Entered: 02/27/2019)
02/27/2019	343	ORDER RELATING CASE to 19-mc-80047 TSH. Signed by Judge Susan Illston on 2/27/19. (tfS, COURT STAFF) (Filed on 2/27/2019) (Entered: 02/27/2019)
02/28/2019	344	ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION TO AMEND INFRINGEMENT CONTENTIONS; AND ADJUSTING PRETRIAL AND TRIAL SCHEDULE 307 . (Illston, Susan) (Filed on 2/28/2019) (Entered: 02/28/2019)
02/28/2019		

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		Set/Reset Hearing Jury Selection set for 8/12/2019 08:30 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Jury Trial set for 8/12/2019 08:30 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Motion Hearing set for 5/31/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Pretrial Conference set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 2/28/2019) (Entered: 02/28/2019)
03/01/2019	345	ORAL ORDER REFERRING CASE to Magistrate Judge for Settlement. This case shall be referred to either Magistrate-Judge Spero or Magistrate-Judge Corley for settlement purposes. Signed by Judge Susan Illston on 3/1/19. (This is a text-only entry generated by the court. There is no document associated with this entry.) (tfS, COURT STAFF) (Filed on 3/1/2019) (Entered: 03/01/2019)
03/05/2019		CASE REFERRED to Magistrate Judge Jacqueline Scott Corley for Settlement (ahm, COURT STAFF) (Filed on 3/5/2019) (Entered: 03/05/2019)
03/07/2019	346	REFERRAL FOR PURPOSE OF DETERMINING RELATIONSHIP. Signed by Magistrate Judge Jacqueline Scott Corley on 3/7/2019. (ahm, COURT STAFF) (Filed on 3/7/2019) (Entered: 03/07/2019)
03/07/2019	347	Letter from Timothy Riffe and Fabio Marino <i>to Judge Illston Re: Expert Report Issues.</i> (Riffe, Timothy) (Filed on 3/7/2019) (Entered: 03/07/2019)
03/08/2019	348	ORDER RELATING CASE. to 19-mc-80052 JSC. Signed by Judge Susan Illston on 3/8/19. (tfS, COURT STAFF) (Filed on 3/8/2019) (Entered: 03/08/2019)
03/08/2019	349	Order, signed 3/8/19, by Chief Magistrate Judge Joseph C. Spero granting 322 Administrative Motion to File Under Seal Portions of Micron's Reply ISO Motion to Compel Production of Non-Privileged Documents Between Mr. Hinckley and Mr. Banks and Exhibits in Support Therof. (klhS, COURT STAFF) (Filed on 3/8/2019) (Entered: 03/08/2019)
03/08/2019	350	ORDER RE: SCHEDULE FOR MICRON'S MOTION TO STRIKE EXPERT REPORT (Illston, Susan) (Filed on 3/8/2019) (Entered: 03/08/2019)
03/08/2019	351	Letter from Timothy Riffe and Fabio Marino <i>to Hon. Spero re Privilege Log.</i> (Attachments: # 1 Exhibit Privilege Log)(Riffe, Timothy) (Filed on 3/8/2019) (Entered: 03/08/2019)
03/11/2019	352	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Telephone Settlement Conference held on 3/11/2019. The Court to issue settlement conference order. (Not Reported)(Time 00:30) Attorney for Plaintiff: Fabio Marino. Attorneys for Defendant: Tim Riffe and Adam Shartzter. (This is a text-only entry generated by the court. There is no document associated with this entry.)

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		(ahm, COURT STAFF) (Date Filed: 3/11/2019) (Entered: 03/11/2019)
03/11/2019	353	NOTICE AND ORDER REGARDING SETTLEMENT CONFERENCE. Signed by Magistrate Judge Jacqueline Scott Corley on 3/11/2019. Settlement Conference set for 6/25/2019 at 9:30 AM in San Francisco, Courtroom F, 15th Floor. (ahm, COURT STAFF) (Filed on 3/11/2019) (Entered: 03/11/2019)
03/11/2019	354	ORDER by Judge Joseph C. Spero denying 302 Motion to Compel and vacating March 15, 2019 motion hearing. (jcs1c1S, COURT STAFF) (Filed on 3/11/2019) (Entered: 03/11/2019)
03/11/2019	355	ORDER by Judge Joseph C. Spero granting in part and denying in part 301 Administrative Motion to File Under Seal. Micron is instructed to file a redacted version of the Motion to Compel that is consistent with this Order. In addition, Micron shall file Exhibits F and G to the Schartzter Declaration in the public record. (jcs1c1S, COURT STAFF) (Filed on 3/11/2019) (Entered: 03/11/2019)
03/11/2019	356	ANSWER TO COUNTERCLAIM <i>MLC Declaratory Judgement</i> by Micron Technology, Inc. (Shartzter, Adam) (Filed on 3/11/2019) (Entered: 03/11/2019)
03/12/2019	357	MOTION to Compel <i>Production of Non-Privileged Documents and Communications Between Mr. Hinckley and Mr. Banks (Second Redacted Version)</i> filed by Micron Technology, Inc. Responses due by 3/26/2019. Replies due by 4/2/2019. (Attachments: # 1 Exhibit F, # 2 Exhibit G)(Shartzter, Adam) (Filed on 3/12/2019) (Entered: 03/12/2019)
03/12/2019	358	Administrative Motion to File Under Seal filed by Micron Technology, Inc.. (Attachments: # 1 Declaration of Timothy Riffe, # 2 Proposed Order, # 3 REDACTED Motion to Stay, # 4 UNREDACTED Motion to Stay)(Shartzter, Adam) (Filed on 3/12/2019) (Entered: 03/12/2019)
03/12/2019	359	MOTION to Stay <i>Pending Ex Parte Reexamination of Patent-in-Suit (REDACTED)</i> filed by Micron Technology, Inc.. Motion Hearing set for 4/19/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 3/26/2019. Replies due by 4/2/2019. (Attachments: # 1 Declaration of Timothy Riffe, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Proposed Order)(Shartzter, Adam) (Filed on 3/12/2019) (Entered: 03/12/2019)
03/14/2019	360	Administrative Motion to File Under Seal <i>Motion for Preliminary Injunction or to Strike</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Confidential Mot for PI or to Strike Filed Under Seal, # 4 Redacted Motion for PI or to Strike, # 5 Declaration Confidential Dec ISO of Mot Filed Under Seal, # 6 Declaration Redacted Declaration ISO of Mot, # 7 Exhibit 1 FILED UNDER SEAL, # 8 Exhibit 2 FILED UNDER SEAL, # 9 Exhibit 3 FILED UNDER SEAL, # 10 Exhibit 4 FILED UNDER SEAL, # 11 Exhibit 5 FILED UNDER SEAL, # 12 Exhibit 6 FILED UNDER SEAL, # 13 Exhibit 7 FILED UNDER SEAL, # 14 Exhibit 8 FILED UNDER SEAL, # 15 Exhibit 9 FILED UNDER SEAL, # 16 Exhibit 10 FILED UNDER SEAL) (Shartzter, Adam) (Filed on 3/14/2019) (Entered: 03/14/2019)

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03/14/2019	361	MOTION for Preliminary Injunction <i>OR TO STRIKE RE BREACH OF NDA</i> filed by Micron Technology, Inc. Motion Hearing set for 4/19/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 3/28/2019. Replies due by 4/4/2019. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit REDACTED 1, # 4 Exhibit REDACTED 2, # 5 Exhibit REDACTED 3, # 6 Exhibit REDACTED 4, # 7 Exhibit REDACTED 5, # 8 Exhibit REDACTED 6, # 9 Exhibit REDACTED 7, # 10 Exhibit REDACTED 8, # 11 Exhibit REDACTED 9, # 12 Exhibit REDACTED 10)(Shartzter, Adam) (Filed on 3/14/2019) (Entered: 03/14/2019)
03/15/2019	362	CLERK'S NOTICE RE: DISPOSITIVE MOTION HEARING CUTOFF DATE. Due to the Court's unavailability, the previous date of 5/31/19 has been continued to Wednesday, June 5, 2019, at 10:00 a.m.. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 3/15/2019) (Entered: 03/15/2019)
03/15/2019	363	Administrative Motion to File Under Seal <i>Portions of MLC's Discovery Letter to the Court Compelling Mr. Brian Shirley's Deposition</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of Letter to Hon. Susan Illston, # 4 UNREDACTED Version of Letter to Hon. Susan Illston, # 5 Exhibit REDACTED Version of Ex. A, # 6 Exhibit UNREDACTED Version of Ex. A, # 7 Exhibit REDACTED Version of Ex. B, # 8 Exhibit UNREDACTED Version of Ex. B)(Horton, Rebecca) (Filed on 3/15/2019) (Entered: 03/15/2019)
03/15/2019	364	Letter from Fabio E. Marino <i>to the Court Compelling Mr. Brian Shirley's Deposition</i> . (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Horton, Rebecca) (Filed on 3/15/2019) (Entered: 03/15/2019)
03/19/2019	365	Declaration of Jonathan Bright in Support of 363 Administrative Motion to File Under Seal <i>Portions of MLC's Discovery Letter to the Court Compelling Mr. Brian Shirley's Deposition</i> filed by Micron Technology, Inc. (Related document(s) 363) (Bright, Jonathan) (Filed on 3/19/2019) (Entered: 03/19/2019)
03/19/2019	366	Letter from Timothy Riffe and Fabio Marino <i>to Hon. Illston re: Epstein Matters</i> . (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Riffe, Timothy) (Filed on 3/19/2019) (Entered: 03/19/2019)
03/20/2019	367	ORDER by Judge Susan Illston granting 363 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 3/20/2019) (Entered: 03/20/2019)
03/20/2019	368	Administrative Motion to File Under Seal <i>Response to Letter fr Marino to Compel Shirley Deposition and Exhibits Thereto</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 CONF Unredacted Letter, # 4 Redacted Letter, # 5 Exhibit CONF Unredacted Ex. A, # 6 Exhibit Redacted A, # 7 Exhibit B - Public)(Shartzter, Adam) (Filed on 3/20/2019) (Entered: 03/20/2019)

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03/20/2019	369	Letter from Adam Shartzter <i>in Response</i> 364 <i>to Letter fr Marino to Compel Shirley Deposition</i> . (Attachments: # 1 Exhibit Redacted A, # 2 Exhibit B) (Shartzter, Adam) (Filed on 3/20/2019) Modified on 3/21/2019 (amgS, COURT STAFF). (Entered: 03/20/2019)
03/20/2019	370	Administrative Motion to File Under Seal <i>Portions of Micron's Mot to Strike Portions of the Lee Report and Exhibits Thereto</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration ISO Mot to Seal, # 2 Proposed Order, # 3 REDACTED Mot to Strike, # 4 UNREDACTED Mot to Strike, # 5 REDACTED McAlexander Dec, # 6 UNREDACTED McAlexander Dec, # 7 UNREDACTED Ex A to Shartzter Dec - Filed Entirely Under Seal, # 8 UNREDACTED Ex C to Shartzter Dec-Filed Entirely Under Seal)(Ellis, Michael) (Filed on 3/20/2019) (Entered: 03/20/2019)
03/20/2019	371	MOTION to Strike <i>Portions of the Expert Report of Jack Lee (Redacted Version)</i> filed by Micron Technology, Inc.. Motion Hearing set for 4/12/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 4/3/2019. Replies due by 4/10/2019. (Attachments: # 1 Declaration of Adam Shartzter, # 2 Exhibit A (Redacted-Filed Entirely Under Seal), # 3 Exhibit B, # 4 Exhibit C (Redacted-Filed Entirely Under Seal), # 5 Declaration of Joseph McAlexander (Redacted Version), # 6 Proposed Order) (Ellis, Michael) (Filed on 3/20/2019) (Entered: 03/20/2019)
03/22/2019	372	ORDER RE: ADMINISTRATIVE MOTION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF MICRON'S MOTION TO STAY PENDING REEXAMINATION 358 (Illston, Susan) (Filed on 3/22/2019) (Entered: 03/22/2019)
03/22/2019	373	ORDER ER: DISCOVERY (Illston, Susan) (Filed on 3/22/2019) (Entered: 03/22/2019)
03/22/2019	374	ORDER DENYING MICRON'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL RESPONSE TO LETTER FROM MARINO TO COMPEL SHIRLEY DEPOSITION (Illston, Susan) (Filed on 3/22/2019) (Entered: 03/22/2019)
03/25/2019	375	STIPULATION WITH PROPOSED ORDER re 350 <i>Order to Extend Schedule for Micron's Motion to Strike Expert Report</i> filed by Micron Technology, Inc and LMC Intellectual Property, LLC. (Attachments: # 1 Declaration)(Riffe, Timothy) (Filed on 3/25/2019) Modified on 3/25/2019 (amgS, COURT STAFF). (Entered: 03/25/2019)
03/25/2019	376	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 361 MOTION for Preliminary Injunction <i>OR TO STRIKE RE BREACH OF NDA</i> , 359 MOTION to Stay Pending <i>Ex Parte Reexamination of Patent-in-Suit (REDACTED)</i> . Motion Hearing set for 4/19/2019 09:30 AM (instead of 9:00 AM) in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (Related documents(s) 361 , 359)(tfS, COURT STAFF) (Filed on 3/25/2019) (Entered: 03/25/2019)
03/25/2019	377	

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		ORDER by Judge Susan Illston granting 375 Stipulation to extend schedule for Motion to strike 371 . See order for details. (tfS, COURT STAFF) (Filed on 3/25/2019) Modified on 3/25/2019 (tfS, COURT STAFF). (Entered: 03/25/2019)
03/25/2019		Set/Reset Deadlines as to 371 MOTION to Strike <i>Portions of the Expert Report of Jack Lee (Redacted Version)</i> . Responses due by 4/1/2019. Replies due by 4/8/2019. Motion Hearing set for 4/19/2019 09:30 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 3/25/2019) (Entered: 03/25/2019)
03/25/2019	378	Declaration of Rebecca B. Horton in Support of 370 Administrative Motion to File Under Seal <i>Portions of Micron's Mot to Strike Portions of the Lee Report and Exhibits Thereto</i> filed byMLC Intellectual Property, LLC. (Related document(s) 370) (Horton, Rebecca) (Filed on 3/25/2019) (Entered: 03/25/2019)
03/26/2019	379	ORDER DENYING MICRON" ADMINISTRATIVE MOTION TO FILE UNDER SEAL MOTION TO STAY; DIRECTING MICRON TO FILE MOTION TO STAY IN PUBLIC RECORD AND DIRECTING MICRON TO FILE RESPONSE TO MOTION TO COMPEL SHIRLEY DEPOSITION IN PUBLIC RECORD (Illston, Susan) (Filed on 3/26/2019) (Entered: 03/26/2019)
03/26/2019	380	OPPOSITION/RESPONSE (re 359 MOTION to Stay <i>Pending Ex Parte Reexamination of Patent-in-Suit (REDACTED)</i>) MLC's <i>Opposition to Micron's Motion to Stay Pending Ex Parte Reexamination of the Patent-in-Suit</i> filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Barrington Dyer, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4) (Marino, Fabio) (Filed on 3/26/2019) (Entered: 03/26/2019)
03/27/2019	381	NOTICE by Micron Technology, Inc re 379 Order, <i>Unredacted Motion to Stay Pending Ex Parte Reexamination of the Patent-In -Suit</i> (Shartzter, Adam) (Filed on 3/27/2019) (Entered: 03/27/2019)
03/27/2019	382	Letter from Adam Shartzter <i>in Response to Letter fr Marino to Compel Shirley Deposition (Unredacted)</i> . (Attachments: # 1 Exhibit A Unredacted)(Shartzter, Adam) (Filed on 3/27/2019) (Entered: 03/27/2019)
03/27/2019	383	ORDER GRANTING IN PART AND DENYING IN PART MICRON'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL MOTION FOR PRELIMINARY INJUNCTION OR TO STRIKE 360 . (Illston, Susan) (Filed on 3/27/2019) (Entered: 03/27/2019)
03/27/2019	384	ORDER by Judge Susan Illston granting 370 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 3/27/2019) (Entered: 03/27/2019)
03/28/2019	385	Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's Motion for Preliminary Injunction or to Strike, Exhibits Thereto, and Epstein Declaration</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED VERSION of Oppo to Micron's Mtn for Preliminary Injunction, # 4

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		UNREDACTED VERSION of Oppo to Micron's Mtn for Preliminary Injunction, # 5 Exhibit UNREDACTED Version of Ex. A, # 6 Exhibit UNREDACTED Version of Ex. B, # 7 Exhibit UNREDACTED Version of Ex. C, # 8 Exhibit UNREDACTED Version of Ex. D, # 9 Exhibit UNREDACTED Version of Ex. E, # 10 Exhibit UNREDACTED Version of Ex. F, # 11 Exhibit UNREDACTED Version of Ex. G, # 12 Exhibit UNREDACTED Version of Ex. H, # 13 Exhibit UNREDACTED Version of Ex. I, # 14 Exhibit UNREDACTED Version of Ex. J, # 15 Exhibit UNREDACTED Version of Ex. K, # 16 Exhibit UNREDACTED Version of Ex. L, # 17 Exhibit UNREDACTED Version of Ex. M, # 18 Exhibit UNREDACTED Version of Ex. N, # 19 Exhibit UNREDACTED Version of Ex. O, # 20 Exhibit UNREDACTED Version of Ex. P, # 21 Declaration REDACTED Version of Declaration of Ronald Epstein, # 22 Declaration UNREDACTED Version of Declaration of Ronald Epstein)(Horton, Rebecca) (Filed on 3/28/2019) (Entered: 03/29/2019)
03/28/2019	386	OPPOSITION/RESPONSE (re 361 MOTION for Preliminary Injunction <i>OR TO STRIKE RE BREACH OF NDA</i>) MLCs <i>Opposition to Micron's Motion for Preliminary Injunction or to Strike re Breach of NDA</i> filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri HP Nguyen, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Declaration Ronald Epstein)(Marino, Fabio) (Filed on 3/28/2019) (Entered: 03/29/2019)
03/29/2019	387	Administrative Motion to File Under Seal <i>its Mot for Preliminary Injunction or to Strike & Supporting Docs, Per 383 Court's 3/27 Order</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration ISO Mot to Seal, # 2 Proposed Order, # 3 REDACTED Mot for PI or to Strike, # 4 UNREDACTED Mot for PI or to Strike, # 5 REDACTED Shartzter Dec ISO Mot for PI, to Strike, # 6 UNREDACTED Shartzter Dec ISO Mot for PI, to Strike, # 7 REDACTED Ex. 6 to Shartzter Dec, # 8 UNREDACTED Ex. 6 to Shartzter Dec, # 9 REDACTED Ex. 7 to Shartzter Dec, # 10 UNREDACTED Ex. 7 to Shartzter Dec, # 11 REDACTED Ex. 9 to Shartzter Dec, # 12 UNREDACTED Ex. 9 to Shartzter Dec, # 13 REDACTED Ex. 10 to Shartzter Dec, # 14 UNREDACTED Ex. 10 to Shartzter Dec)(Shartzter, Adam) (Filed on 3/29/2019) (Entered: 03/29/2019)
04/01/2019	388	ORDER DENYING MICRON'S MOTION TO STAY PENDING EX PARTE REEXAMINATION 359 Motion to Stay. (Illston, Susan) (Filed on 4/1/2019) (Entered: 04/01/2019)
04/01/2019	389	Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's Motion to Strike Portions of Expert Report of Jack Lee, Ph.D.; Lee Declaration, and Exhibits Thereto</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of MLC's Opposition, # 4 UNREDACTED Version of MLC's Opposition, # 5 Exhibit UNREDACTED Version of Ex. 1, # 6 Exhibit UNREDACTED Version of Ex. 2, # 7 Declaration REDACTED Version of Declaration of Jack Lee, Ph.D., # 8 Declaration UNREDACTED Version of

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		Declaration of Jack Lee, Ph.D.)(Horton, Rebecca) (Filed on 4/1/2019) (Entered: 04/02/2019)
04/02/2019	390	OPPOSITION/RESPONSE (re 371 MOTION to Strike <i>Portions of the Expert Report of Jack Lee (Redacted Version)</i>) filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Declaration Jack Lee, Ph.D.)(Horton, Rebecca) (Filed on 4/2/2019) Modified on 4/2/2019 (amgS, COURT STAFF). (Entered: 04/02/2019)
04/02/2019	391	Declaration of Rebecca B. Horton in Support of 387 Administrative Motion to File Under Seal <i>its Mot for Preliminary Injunction or to Strike & Supporting Docs, Per 383 Court's 3/27 Order</i> filed byMLC Intellectual Property, LLC. (Related document(s) 387) (Horton, Rebecca) (Filed on 4/2/2019) (Entered: 04/02/2019)
04/03/2019	392	Declaration of Adam R. Shartzter in Support of 385 Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's Motion for Preliminary Injunction or to Strike, Exhibits Thereto, and Epstein Declaration</i> filed byMicron Technology, Inc. (Related document(s) 385) (Shartzter, Adam) (Filed on 4/3/2019) (Entered: 04/03/2019)
04/03/2019	393	MOTION and Proposed Order to Extend Certain Deadlines Related to Pretrial Disclosures (<i>UNOPPOSED</i>) filed by Micron Technology, Inc.. Responses due by 4/17/2019. Replies due by 4/24/2019. (Attachments: # 1 Declaration of Timothy Riffe)(Shartzter, Adam) (Filed on 4/3/2019) (Entered: 04/03/2019)
04/04/2019	394	Administrative Motion to File Under Seal <i>Micron's Reply In Support of Motion for Preliminary Injunction or to Strike</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 REDACTED Reply ISO of Motion for PI or to Strike, # 4 CONF UNREDACTED Reply to Motion for PI or o Strike, # 5 Declaration)(Shartzter, Adam) (Filed on 4/4/2019) (Entered: 04/04/2019)
04/04/2019	395	MOTION to Strike <i>Epstein Declaration</i> filed by Micron Technology, Inc. Motion Hearing set for 5/10/2019 09:00 AM before Judge Susan Illston. Responses due by 4/18/2019. Replies due by 4/25/2019. (Attachments: # 1 Proposed Order, # 2 Declaration, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3) (Shartzter, Adam) (Filed on 4/4/2019) (Entered: 04/04/2019)
04/04/2019	396	ORDER by Judge Susan Illston granting 393 Motion MOTION and Proposed Order to Extend Certain Deadlines Related to Pretrial Disclosures (UNOPPOSED). Joint Pretrial Conference Statement Due: 6/21/19. Jury Instructions, Voir Dire, and Verdict Form Due: 6/21/19. Motions in limine due: 6/21/19. (tfS, COURT STAFF) (Filed on 4/4/2019) (Entered: 04/04/2019)
04/04/2019	397	MOTION to Shorten Time <i>Administrative Motion to Shorten Time with Respect to Micron's Motion to Strike Epstein Declaration</i> filed by Micron Technology, Inc. (Attachments: # 1 Proposed Order, # 2 Declaration)(Shartzter, Adam) (Filed on 4/4/2019) (Entered: 04/04/2019)
04/04/2019	398	

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		REPLY (re 361 MOTION for Preliminary Injunction <i>OR TO STRIKE RE BREACH OF NDA</i>) filed by Micron Technology, Inc. (Attachments: # 1 Declaration)(Shartzter, Adam) (Filed on 4/4/2019) Modified on 4/5/2019 (amgS, COURT STAFF). (Entered: 04/04/2019)
04/04/2019	399	Letter from Adam Shartzter re Micron Subpoena for Documents from Ronald Epstein . (Shartzter, Adam) (Filed on 4/4/2019) (Entered: 04/04/2019)
04/05/2019	400	CLERK'S NOTICE RESCHEDULING SETTLEMENT CONFERENCE. At the request of the parties, the settlement conference set for 6/25/2019 is advanced to 5/28/2019 at 9:30 AM in San Francisco, Courtroom F, 15th Floor. The settlement conference order (Dkt. No. 353) issued on 3/11/2019 shall remain in effect. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ahm, COURT STAFF) (Filed on 4/5/2019) (Entered: 04/05/2019)
04/05/2019	401	Declaration of Michael Ellis in Support of 389 Administrative Motion to File Under Seal <i>MLC's Opposition to Micron's Motion to Strike Portions of Expert Report of Jack Lee, Ph.D.; Lee Declaration, and Exhibits Thereto</i> filed by Micron Technology, Inc. (Related document(s) 389) (Ellis, Michael) (Filed on 4/5/2019) (Entered: 04/05/2019)
04/08/2019	402	ORDER RE: MICRON'S REQUEST FOR SANCTIONS AGAINST MLC AND RONALD EPSTEIN (Illston, Susan) (Filed on 4/8/2019) (Entered: 04/08/2019)
04/08/2019	403	Administrative Motion to File Under Seal <i>Letter to Judge Illston Requesting Permission to File Summary Judgment Motions</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Redacted letter, # 4 Confidential Unredacted letter)(Livedalen, Brian) (Filed on 4/8/2019) (Entered: 04/08/2019)
04/08/2019	404	OPPOSITION/RESPONSE (re 397 MOTION to Shorten Time <i>Administrative Motion to Shorten Time with Respect to Micron's Motion to Strike Epstein Declaration</i>) filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 4/8/2019) (Entered: 04/08/2019)
04/08/2019	405	Letter from Adam Shartzter to Hon. Illston re Leave to File Additional <i>Summary Judgment Motions</i> . (Shartzter, Adam) (Filed on 4/8/2019) (Entered: 04/08/2019)
04/08/2019	406	Administrative Motion to File Under Seal <i>Reply ISO Mot to Strike Portions of the Lee Report & Exhibits to Same</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 REDACTED Reply ISO Mot to Strike Portions of Lee, # 4 UNREDACTED Reply ISO Mot to Strike Portions of Lee, # 5 UNREDACTED Ex D to Shartzter Dec ISO Reply (Entirely Sealed), # 6 UNREDACTED Ex E to Shartzter Dec ISO Reply (Entirely Sealed), # 7 UNREDACTED Ex F to Shartzter Dec ISO Reply (Entirely Sealed))(Ellis, Michael) (Filed on 4/8/2019) (Entered: 04/08/2019)

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04/08/2019	407	REPLY (re 371 MOTION to Strike <i>Portions of the Expert Report of Jack Lee (Redacted Version)</i>) (<i>Redacted Version</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit D-Redacted in its Entirety, # 3 Exhibit E-Redacted in its Entirety, # 4 Exhibit F-Redacted in its Entirety) (Shartzter, Adam) (Filed on 4/8/2019) (Entered: 04/08/2019)
04/09/2019	408	ORDER GRANTING MOTION TO SHORTEN TIME WITH RESPECT TO MICRON'S MOTION TO STRIKE EPSTEIN DECLARATION 397 . (Illston, Susan) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/09/2019		Set/Reset Deadlines as to 395 MOTION to Strike <i>Epstein Declaration</i> . Responses due by 4/15/2019. Replies due by 4/17/2019. Motion Hearing set for 4/19/2019 09:30 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/09/2019	409	ORDER by Judge Susan Illston granting 385 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/09/2019	410	ORDER by Judge Susan Illston granting 387 Administrative Motion to File Under Seal. Signed by Judge Illston on 4/8/19. (tfS, COURT STAFF) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/09/2019	411	ORDER by Judge Susan Illston granting 389 Administrative Motion to File Under Seal. Signed by Judge Illston on 4/8/19. (tfS, COURT STAFF) (Filed on 4/9/2019) (Entered: 04/09/2019)
04/09/2019	412	Letter from Fabio E. Marino <i>in Response to Micron's Letter, Dkt. 405</i> . (Marino, Fabio) (Filed on 4/9/2019) Modified on 4/10/2019 (amgS, COURT STAFF). (Entered: 04/09/2019)
04/12/2019	413	MOTION for leave to appear in Pro Hac Vice <i>Michael John Ballanco</i> (Filing fee \$ 310, receipt number 0971-13255427.) filed by Micron Technology, Inc.. (Attachments: # 1 Certificate of Good Standing)(Ballanco, Michael) (Filed on 4/12/2019) (Entered: 04/12/2019)
04/12/2019	414	Declaration of Rebecca B. Horton in Support of 406 Administrative Motion to File Under Seal <i>Reply ISO Mot to Strike Portions of the Lee Report & Exhibits to Same</i> filed by MLC Intellectual Property, LLC. (Related document(s) 406) (Marino, Fabio) (Filed on 4/12/2019) (Entered: 04/12/2019)
04/15/2019	415	CLERK'S NOTICE Continuing Motion Hearing. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>), Set/Reset Deadlines as to 361 MOTION for Preliminary Injunction <i>OR TO STRIKE RE BREACH OF NDA</i> , 371 MOTION to Strike <i>Portions of the Expert Report of Jack Lee (Redacted Version)</i> . Motion Hearing set for 4/19/2019 10:00 AM (instead of 9:30 AM) in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (Related documents(s) 361 , 371)(tfS, COURT STAFF) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	416	

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		ORDER by Judge Susan Illston granting 413 MOTION for leave to appear in Pro Hac Vice Michael John Ballanco. (tfS, COURT STAFF) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	417	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 395 MOTION to Strike <i>Epstein Declaration</i> . Motion Hearing set for 4/19/2019 10:00 AM (instead of 9:30 a.m.) in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (Related documents(s) 395)(tfS, COURT STAFF) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	418	Administrative Motion to File Under Seal <i>EXHIBIT D TO THE MARINO DECLARATION IN SUPPORT OF MLC'S OPPOSITION TO DEFENDANT MICRON TECHNOLOGY, INC.'S MOTION TO STRIKE EPSTEIN DECLARATION</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 Exhibit REDACTED Version of Exhibit D, # 4 Exhibit UNREDACTED Version of Exhibit D) (Horton, Rebecca) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	419	OPPOSITION/RESPONSE (re 395 MOTION to Strike <i>Epstein Declaration</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D)(Horton, Rebecca) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	420	MOTION in Limine <i>re: Technical Matters</i> filed by Micron Technology, Inc. Motion Hearing set for 5/31/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C)(Riffe, Timothy) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	421	Administrative Motion to File Under Seal <i>Micron's Technical Daubert Motion and Exhibit In Support Thereof</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Redacted Technical Daubert Motion, # 4 CONF UNREDACTED Technical Daubert Motion Under Seal, # 5 Redacted Ex. A, # 6 CONF UNREDACTED Ex. A)(Riffe, Timothy) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	422	Administrative Motion to File Under Seal <i>Portions of MLC's Daubert Motions and Exhibits to Daubert Motions and Motions in Limine</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of Daubert I, # 4 UNREDACTED Version of Daubert I, # 5 REDACTED Version of Daubert II, # 6 UNREDACTED Version of Daubert II, # 7 REDACTED Version of Daubert III, # 8 UNREDACTED Version of Daubert III, # 9 Exhibit UNREDACTED Version of Ex. 1, # 10 Exhibit UNREDACTED Version of Ex. 2, # 11 Exhibit UNREDACTED Version of Ex. 3, # 12 Exhibit UNREDACTED Version of Ex. 4)(Horton, Rebecca) (Filed on 4/15/2019) Modified on 4/26/2019 (tfS, COURT STAFF). (Entered: 04/15/2019)
04/15/2019	423	MOTION in Limine <i>FIRST DAUBERT Motion to Exclude Testimony of Joseph McAlexander or in the Alternative Motion to Strike</i> filed by MLC Intellectual

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		Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Proposed Order)(Dyer, Barrington) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	424	MOTION in Limine <i>SECOND DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Proposed Order)(Dyer, Barrington) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	425	MOTION in Limine <i>THIRD DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Proposed Order)(Dyer, Barrington) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	426	MOTION in Limine <i>FIRST AND SECOND Motion in Limine to Exclude Expert Testimony of Joseph McAlexander or to Strike</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Proposed Order)(Dyer, Barrington) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	427	MOTION in Limine <i>Micron's Technical Daubert Motion</i> filed by Micron Technology, Inc. Motion Hearing set for 5/31/2019 09:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Proposed Order, # 2 Exhibit Redacted A)(Riffe, Timothy) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/15/2019	428	MOTION in Limine <i>THIRD Motion in Limine to Exclude Expert Testimony of Joseph McAlexander</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Proposed Order)(Dyer, Barrington) (Filed on 4/15/2019) (Entered: 04/15/2019)
04/16/2019	429	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 427 MOTION in Limine <i>Micron's Technical Daubert Motion</i> , 420 MOTION in Limine <i>re: Technical Matters</i> . Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before

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		Judge Susan Illston. (Related documents(s) 427 , 420)(tfS, COURT STAFF) (Filed on 4/16/2019) (Entered: 04/16/2019)
04/16/2019	430	ORDER GRANTING IN PART MICRON'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL REPLY IN SUPPORT OF MOTION TO STRIKE PORTIONS OF THE EXPERT REPORT OF JACK LEE PH.D. AND EXHIBITS THERETO 406 . (Illston, Susan) (Filed on 4/16/2019) (Entered: 04/16/2019)
04/16/2019	431	ORDER by Judge Susan Illston granting 394 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 4/16/2019) (Entered: 04/16/2019)
04/17/2019	432	Administrative Motion to File Under Seal <i>Micron Reply In Support of Motion to Strike Epstein Declaration and Exhibit In Support Thereof</i> filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Redacted Reply In Support of Motion to Strike Epstein Declaration, # 4 CONF UNREDACTED Reply In Support of Motion to Strike Epstein Dec, # 5 Declaration, # 6 Exhibit Redacted Ex. 1, # 7 Exhibit CONF Unredacted Ex. 1) (Shartzer, Adam) (Filed on 4/17/2019) (Entered: 04/17/2019)
04/17/2019	433	REPLY (re 395 MOTION to Strike <i>Epstein Declaration</i>) filed by Micron Technology, Inc. (Attachments: # 1 Declaration, # 2 Exhibit Redacted Ex. 1) (Shartzer, Adam) (Filed on 4/17/2019) Modified on 4/17/2019 (amgS, COURT STAFF). (Entered: 04/17/2019)
04/17/2019	434	EXHIBITS re 407 Reply to Opposition/Response, <i>Ex. E Filed Per Court Order Dkt 430</i> filed by Micron Technology, Inc. (Related document(s) 407) (Ellis, Michael) (Filed on 4/17/2019) Modified on 4/17/2019 (amgS, COURT STAFF). (Entered: 04/17/2019)
04/18/2019	435	ORDER RE APRIL 19, 2019 HEARING (Illston, Susan) (Filed on 4/18/2019) (Entered: 04/18/2019)
04/18/2019	436	MOTION for leave to appear in Pro Hac Vice - <i>Russell S. Jones, Jr.</i> (Filing fee \$ 310, receipt number 0971-13272069.) filed by MLC Intellectual Property, LLC. (Attachments: # 1 Certificate of Good Standing)(Jones, Russell) (Filed on 4/18/2019) (Entered: 04/18/2019)
04/19/2019	437	Declaration of Michael J. Ballanco in Support of 418 Administrative Motion to File Under Seal <i>EXHIBIT D TO THE MARINO DECLARATION IN SUPPORT OF MLCS OPPOSITION TO DEFENDANT MICRON TECHNOLOGY, INC.S MOTION TO STRIKE EPSTEIN DECLARATION</i> filed by Micron Technology, Inc.. (Related document(s) 418) (Ballanco, Michael) (Filed on 4/19/2019) (Entered: 04/19/2019)
04/19/2019	438	Declaration of Jonathan B. Bright in Support of 422 Administrative Motion to File Under Seal <i>Portions of MLC's Daubert Motions and Exhibits to Daubert Motions and Motions in Limine</i> filed by Micron Technology, Inc.. (Related document(s) 422) (Bright, Jonathan) (Filed on 4/19/2019) (Entered: 04/19/2019)
04/19/2019	439	

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		ORDER RE: MICRON'S MOTION FOR A PRELIMINARY INJUNCTION AND/OR TO STRIKE; DENYING MICRON'S MOTION TO STRIKE EPSTEIN DECLARATION granting in part and denying in part 361 Motion for Preliminary Injunction; granting 395 Motion to Strike. (Illston, Susan) (Filed on 4/19/2019) (Entered: 04/19/2019)
04/19/2019	440	Declaration of Rebecca B. Horton in Support of 421 Administrative Motion to File Under Seal <i>Micron's Technical Daubert Motion and Exhibit In Support Thereof</i> filed by MLC Intellectual Property, LLC. (Related document(s) 421) (Horton, Rebecca) (Filed on 4/19/2019) (Entered: 04/19/2019)
04/22/2019	441	ORDER by Judge Susan Illston granting 436 Motion for Pro Hac Vice. (tfS, COURT STAFF) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	442	Administrative Motion to File Under Seal <i>Omnibus Portions of Micron's Daubert Motions, Motion to Strike Portions of the Milani Report, and Exhibits to Dauberts, Motion to Strike, and Motions in Limine</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit CONF Ex. 1, # 4 Exhibit Redacted Ex. 1, # 5 Exhibit Conf Ex. 2, # 6 Exhibit Redacted Ex. 2, # 7 Exhibit Conf. Ex. 3, # 8 Exhibit Redacted Ex. 3, # 9 Exhibit Conf. Ex. 5, # 10 Exhibit Redacted Ex. 5, # 11 Exhibit Conf. Ex. 6, # 12 Exhibit Redacted Ex. 6, # 13 Exhibit Conf. Ex. 7, # 14 Exhibit Redacted Ex. 7, # 15 Exhibit Conf. Ex. 11, # 16 Exhibit Redacted Ex. 11, # 17 Exhibit Conf. Ex. 12, # 18 Exhibit Redacted Ex. 12, # 19 Exhibit Conf. Ex. 13, # 20 Exhibit Redacted Ex. 13, # 21 Exhibit Conf. Ex. 14, # 22 Exhibit Redacted Ex. 14, # 23 Exhibit Conf. Ex. 15, # 24 Exhibit Redacted Ex. 15, # 25 Exhibit Conf. Ex. 16, # 26 Exhibit Redacted Ex. 16, # 27 Exhibit Conf. Ex. 17, # 28 Exhibit Redacted Ex. 17, # 29 Exhibit Conf. Ex. 18, # 30 Exhibit Redacted Ex. 18, # 31 Exhibit Conf. Ex. 19, # 32 Exhibit Redacted Ex. 19, # 33 Exhibit Conf. Ex. 20, # 34 Exhibit Redacted Ex. 20, # 35 Exhibit Conf. Ex. 21, # 36 Exhibit Redacted Ex. 21, # 37 Exhibit Conf. Ex. 22, # 38 Exhibit Redacted Ex. 22, # 39 Exhibit Conf. Ex. 23, # 40 Exhibit Redacted Ex. 23, # 41 Exhibit Conf. Ex. 24, # 42 Exhibit Redacted Ex. 24, # 43 Exhibit Conf. Ex. 29, # 44 Exhibit Redacted Ex. 29, # 45 Exhibit Conf. Ex. 30, # 46 Exhibit Redacted Ex. 30) (Ellis, Michael) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	443	Administrative Motion to File Under Seal <i>Portions of Micron's Daubert Motions, Motion to Strike Portions of the Milani Report, and Exhibits to Dauberts, Motion to Strike, and Motions in Limine</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Redacted Milani Daubert, # 4 Conf Unredacted Milani Daubert, # 5 Redacted Epstein Daubert, # 6 Conf. Unredacted Epstein Daubert, # 7 Redacted Motion to Strike Milani, # 8 Conf. Motion to Strike Milani)(Ellis, Michael) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	444	MOTION in Limine <i>No. 1</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration of Michael R. Ellis, # 2 Proposed Order, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit

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		7, # 9 Exhibit 11, # 10 Exhibit 21, # 11 Exhibit 24)(Shartzter, Adam) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	445	MOTION in Limine <i>No. 2</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration of Michael R. Ellis, # 2 Proposed Order, # 3 Exhibit 1, # 4 Exhibit 6, # 5 Exhibit 8, # 6 Exhibit 9)(Shartzter, Adam) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	446	MOTION in Limine <i>Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Michael K. Milani</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit Redacted Ex. 1, # 4 Exhibit Redacted Ex. 2, # 5 Exhibit Redacted Ex. 5, # 6 Exhibit Redacted Ex. 6, # 7 Exhibit Redacted Ex. 21, # 8 Exhibit Redacted Ex. 22)(Ellis, Michael) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	447	MOTION in Limine <i>No. 3</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration of Michael R. Ellis, # 2 Proposed Order, # 3 Exhibit 1, # 4 Exhibit 5, # 5 Exhibit 11, # 6 Exhibit 12, # 7 Exhibit 21) (Shartzter, Adam) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	448	MOTION in Limine <i>Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Mr. Ronald Epstein</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit Redacted Ex. 5, # 4 Exhibit Redacted Ex 6, # 5 Exhibit Redacted Ex 10, # 6 Exhibit Redacted Ex 21, # 7 Exhibit Redacted Ex 23, # 8 Exhibit Redacted Ex 24, # 9 Exhibit Redacted Ex. 30)(Ellis, Michael) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	449	MOTION in Limine <i>No. 4</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration of Michael R. Ellis, # 2 Proposed Order, # 3 Exhibit 5, # 4 Exhibit 9, # 5 Exhibit 11, # 6 Exhibit 13, # 7 Exhibit 14, # 8 Exhibit 15, # 9 Exhibit 16, # 10 Exhibit 18, # 11 Exhibit 19, # 12 Exhibit 20, # 13 Exhibit 21)(Shartzter, Adam) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	450	MOTION in Limine <i>MLC's Notice of Motion and Damages-Related Motions in Limine Re Expert Testimony of Robert Liesegang and Paul Meyer</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Marino, Fabio) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	451	

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		MOTION in Limine <i>No. 5</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration of Michael R. Ellis, # 2 Proposed Order, # 3 Exhibit 6)(Shartzter, Adam) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	452	MOTION to Strike <i>Portions of the Milani Expert Report</i> filed by Micron Technology, Inc.. Motion Hearing set for 5/31/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/6/2019. Replies due by 5/13/2019. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit Redacted Ex. 1, # 4 Exhibit Redacted Ex. 5, # 5 Exhibit Redacted Ex. 6, # 6 Exhibit Ex. 10, # 7 Exhibit Redacted Ex. 11, # 8 Exhibit Redacted Ex. 24, # 9 Exhibit Ex. 25, # 10 Exhibit Ex. 26, # 11 Exhibit Ex. 27, # 12 Exhibit Ex. 28, # 13 Exhibit Redacted Ex. 29, # 14 Exhibit Redacted Ex. 30)(Ellis, Michael) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	453	Administrative Motion to File Under Seal <i>Portions of Damages Related Daubert Motion</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of Daubert 1, # 4 UNREDACTED Version of Daubert 1, # 5 Declaration REDACTED Version of Declaration of Fabio Marino, # 6 Declaration UNREDACTED Marino Decl.)(Marino, Fabio) (Filed on 4/22/2019) (Entered: 04/22/2019)
04/22/2019	454	Administrative Motion to File Under Seal <i>Exhibits to MLC's Damages Related Daubert Motions</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca Horton, # 2 Proposed Order, # 3 Exhibit UNREDACTED Version of Ex. 1, # 4 Exhibit UNREDACTED Version of Ex. 2, # 5 Exhibit UNREDACTED Version of Ex. 3, # 6 Exhibit UNREDACTED Version of Ex. 4, # 7 Exhibit UNREDACTED Version of Ex. 5, # 8 Exhibit UNREDACTED Version of Ex. 6, # 9 Exhibit UNREDACTED Version of Ex. 7, # 10 Exhibit UNREDACTED Version of Ex. 8, # 11 Exhibit UNREDACTED Version of Ex. 9, # 12 Exhibit UNREDACTED Version of Ex. 10, # 13 Exhibit UNREDACTED Version of Ex. 11, # 14 Exhibit UNREDACTED Version of Ex. 14, # 15 Proposed Order)(Marino, Fabio) (Filed on 4/22/2019) (Entered: 04/23/2019)
04/23/2019	455	Administrative Motion to File Under Seal <i>Exhibits to MLC's Damages Related Daubert Motions</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit UNREDACTED Version of Ex. 12, # 2 Exhibit UNREDACTED Version of Ex. 13)(Marino, Fabio) (Filed on 4/23/2019) (Entered: 04/23/2019)
04/23/2019	456	MOTION in Limine <i>MLC's Damages Related Daubert Motion</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit Redacted Exhibits 1-14, # 3 Proposed Order) (Marino, Fabio) (Filed on 4/23/2019) (Entered: 04/23/2019)
04/23/2019	457	CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 452 MOTION to Strike <i>Portions of the Milani Expert</i>

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		<i>Report</i> . Motion Hearing set for 5/31/19 has been continued to 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (Related documents(s) 452)(tfS, COURT STAFF) (Filed on 4/23/2019) (Entered: 04/23/2019)
04/25/2019	458	TRANSCRIPT ORDER for proceedings held on 04/19/2019 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Vicki Eastvold. (Marino, Fabio) (Filed on 4/25/2019) (Entered: 04/25/2019)
04/25/2019	459	Minute Entry for proceedings held before Judge Susan Illston: Motion Hearing held on 4/19/2019. 1) Motion for Preliminary Injunction 361 - HELD; 2) Motion to Strike 371 - HELD; 3) Motion to Strike 395 - HELD. Motions are deemed submitted. Total Time in Court: 55 minutes. Court Reporter: Vicki Eastvold. (tfS, COURT STAFF) (Date Filed: 4/25/2019) (Additional attachment(s) added on 4/25/2019: # 1 Appendix Corrected Minute) (tfS, COURT STAFF). (Entered: 04/25/2019)
04/25/2019	460	ORDER ORDER GRANTING IN PART AND DENYING IN PART MICRON'S MOTION TO STRIKE PORTIONS OF THE LEE REPORT 371 (Illston, Susan) (Filed on 4/25/2019) (Entered: 04/25/2019)
04/25/2019	461	ORDER GRANTING IN PART AND DENYING IN PART MICRON'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL MICRON'S TECHNICAL DAUBERT MOTION AND EXHIBIT A THERETO 421 (Illston, Susan) (Filed on 4/25/2019) (Entered: 04/25/2019)
04/25/2019	462	TRANSCRIPT ORDER for proceedings held on 04/19/2019 before Judge Susan Illston by Micron Technology, Inc, for Court Reporter Vicki Eastvold. (Shartzer, Adam) (Filed on 4/25/2019) (Entered: 04/25/2019)
04/25/2019	463	ORDER DENYING MICRON'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL LETTER REQUESTING PERMISSION TO FILE 4 ADDITIONAL SUMMARY JUDGMENT MOTIONS 403 . (Illston, Susan) (Filed on 4/25/2019) (Entered: 04/25/2019)
04/26/2019	464	ORDER by Judge Susan Illston granting 418 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 4/26/2019) (Entered: 04/26/2019)
04/26/2019	465	ERRATA re 447 MOTION in Limine No. 3, 444 MOTION in Limine No. 1, 452 MOTION to Strike Portions of the Milani Expert Report, 446 MOTION in Limine Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Michael K. Milani, 445 MOTION in Limine No. 2, 448 MOTION in Limine Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Mr. Ronald Epstein Notice of Errata RE: Certain Exhibit Cover Sheets To Defendant Micron Technology, Inc.'s Daubert Motions, Motions To Strike Portions of the Milani Report, and Motions In Limine by Micron Technology, Inc.. (Attachments: # 1 Exhibit CORRECTED 1, # 2 Exhibit CORRECTED 10)(Ellis, Michael) (Filed on 4/26/2019) (Entered: 04/26/2019)
04/26/2019	466	Declaration in Support of 454 Administrative Motion to File Under Seal Exhibits to MLC's Damages Related Daubert Motions, 455 Administrative Motion to File Under Seal Exhibits to MLC's Damages Related Daubert

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		<i>Motions, 453 Administrative Motion to File Under Seal Portions of Damages Related Daubert Motion Declaration of Michael R. Ellis In Support of Plaintiff's Request Pursuant to 79-5(D) to File Documents Designated Confidential Under Seal</i> filed by Micron Technology, Inc.. (Related document (s) 454 , 455 , 453) (Ellis, Michael) (Filed on 4/26/2019) (Entered: 04/26/2019)
04/26/2019	467	ORDER DENYING MICRON'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL REPLY IN SUPPORT OF MOTION TO STRIKE EPSTEIN DECLARATION AND EXHIBIT IN SUPPORT THEREOF 432 . (Illston, Susan) (Filed on 4/26/2019) (Entered: 04/26/2019)
04/26/2019	468	ORDER RE: MLC'S OMNIBUS ADMINISTRATIVE MOTION TO FILE UNDER SEAL PORTIONS OF DAUBERT MOTIONS AND EXHIBITS (Illston, Susan) (Filed on 4/26/2019) (Entered: 04/26/2019)
04/26/2019	469	Declaration of Rebecca B. Horton in Support of 443 Administrative Motion to File Under Seal <i>Portions of Micron's Daubert Motions, Motion to Strike Portions of the Milani Report, and Exhibits to Dauberts, Motion to Strike, and Motions in Limine</i> filed by MLC Intellectual Property, LLC. (Related document (s) 443) (Horton, Rebecca) (Filed on 4/26/2019) (Entered: 04/26/2019)
04/29/2019	470	Letter from Adam <i>re: Additional Summary Judgement Motions Refiled per Order Dkt 463.</i> (Shartzter, Adam) (Filed on 4/29/2019) (Entered: 04/29/2019)
04/29/2019	471	NOTICE by Micron Technology, Inc. <i>re 433 Reply to Opposition/Response, Refiled Per Order Dkt 467</i> (Attachments: # 1 Exhibit Corrected Ex. 1) (Shartzter, Adam) (Filed on 4/29/2019) Modified on 4/30/2019 (amgS, COURT STAFF). (Entered: 04/29/2019)
04/29/2019	472	DOCUMENT E-FILED UNDER SEAL <i>re 461 Order on Administrative Motion to File Under Seal 421 Micron's Technical Daubert Motion</i> by Micron Technology, Inc.. (Riffe, Timothy) (Filed on 4/29/2019) (Entered: 04/29/2019)
04/29/2019	473	REDACTION to 472 Document E-Filed Under Seal <i>in Response to 461 Order Granting in Part, Denying in Part Motion to File Under Seal Micron's Technical Daubert Motion & Ex. A Thereto</i> by Micron Technology, Inc.. (Attachments: # 1 Exhibit A to the Bright Dec)(Riffe, Timothy) (Filed on 4/29/2019) (Entered: 04/29/2019)
04/30/2019	474	NOTICE by MLC Intellectual Property, LLC <i>re 468 Order Notice of Compliance With Court Order, DKT. 468</i> (Nguyen, Teri) (Filed on 4/30/2019) (Entered: 04/30/2019)
04/30/2019	475	*** DISREGARD - FILED IN ERROR (SEE DOCKET # 476) *** Transcript of Proceedings held on 4/19/19, before Judge Susan Illston. Court Reporter Vicki Eastvold, telephone number 218-355-8781. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 5/21/2019. Redacted Transcript Deadline set for

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		5/31/2019. Release of Transcript Restriction set for 7/29/2019. (veS, COURT STAFF) (Filed on 4/30/2019) Modified on 5/1/2019 (rjdS, COURT STAFF). (Entered: 04/30/2019)
05/01/2019	476	Amended Transcript of Proceedings (with amended signature page) held on 4/19/19, before Judge Susan Illston. Court Reporter Vicki Eastvold, telephone number 218-355-8781. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 5/22/2019. Redacted Transcript Deadline set for 6/3/2019. Release of Transcript Restriction set for 7/30/2019. (veS, COURT STAFF) (Filed on 5/1/2019) (Entered: 05/01/2019)
05/02/2019	477	Letter from Fabio E. Marino to <i>The Honorable Susan Illston</i> . (Nguyen, Teri) (Filed on 5/2/2019) (Entered: 05/02/2019)
05/02/2019	478	Administrative Motion to File Under Seal <i>MLC's Motion for Leave to File Motion for Reconsideration</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 UNREDACTED Version of MLC's Motion for Leave to File Motion for Reconsideration, # 4 REDACTED Version of MLC's Motion for Leave to File Motion for Reconsideration)(Marino, Fabio) (Filed on 5/2/2019) (Entered: 05/02/2019)
05/02/2019	479	MOTION for Leave to File <i>Motion for Reconsideration</i> filed by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 5/2/2019) (Entered: 05/02/2019)
05/02/2019	480	ORDER GRANTING IN PART AND DENYING IN PART MLC'S OMNIBUS ADMINISTRATIVE MOTION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF MLC'S DAUBERT MOTIONS AND EXHIBITS 422 (Illston, Susan) (Filed on 5/2/2019) (Entered: 05/02/2019)
05/03/2019	481	Administrative Motion to File Under Seal <i>Portions of Micron's Opps to MLC's Mot to Exclude Meyer Testimony and MLC's Damages-Related MILs re Testimony of Liesegang & Meyer</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 REDACTED Opp to MLC's Daubert Mot re Meyer, # 4 UNREDACTED Opp to MLC's Daubert Mot re Meyer, # 5 Exhibit 1, # 6 Exhibit 2, # 7 Exhibit 3, # 8 Exhibit 4, # 9 Exhibit 5)(Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	482	Administrative Motion to File Under Seal <i>Exs. 1 & 4 to Micron's Opps to MLC's Daubert Motions and Mots in Limine to Exclude McAlexander Testimony</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit 1, # 4 Exhibit 4)(Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	483	OPPOSITION/RESPONSE (re 456 MOTION in Limine <i>MLC's Damages Related Daubert Motion</i>) (REDACTED) filed by Micron Technology, Inc..

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		(Attachments: # 1 Declaration, # 2 Exhibit 1 (Submitted Under Seal in its Entirety), # 3 Exhibit 2 (Submitted Under Seal in its Entirety), # 4 Exhibit 4 (Submitted Under Seal in its Entirety), # 5 Exhibit 5 (Submitted Under Seal in its Entirety))(Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	484	OPPOSITION/RESPONSE (re 450 MOTION in Limine <i>MLC's Notice of Motion and Damages-Related Motions in Limine Re Expert Testimony of Robert Liesegang and Paul Meyer</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 3 (Submitted Under Seal in its Entirety))(Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	485	OPPOSITION/RESPONSE (re 423 MOTION in Limine <i>FIRST DAUBERT Motion to Exclude Testimony of Joseph McAlexander or in the Alternative Motion to Strike</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 4 (Submitted Under Seal in its Entirety))(Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	486	OPPOSITION/RESPONSE (re 424 MOTION in Limine <i>SECOND DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i>) filed by Micron Technology, Inc.. (Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	487	OPPOSITION/RESPONSE (re 425 MOTION in Limine <i>THIRD DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 4 (Submitted Under Seal in its Entirety))(Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	488	OPPOSITION/RESPONSE (re 426 MOTION in Limine <i>FIRST AND SECOND Motion in Limine to Exclude Expert Testimony of Joseph McAlexander or to Strike</i> , 428 MOTION in Limine <i>THIRD Motion in Limine to Exclude Expert Testimony of Joseph McAlexander</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 1 (Submitted Under Seal in its Entirety), # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4 (Submitted Under Seal in its Entirety), # 6 Exhibit 5, # 7 Exhibit 6)(Ellis, Michael) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	489	Administrative Motion to File Under Seal <i>Portions of MLC's Opposition to Micron's Technical Daubert Motion and Exhibits Thereto</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Barrington Dyer, # 2 Proposed Order, # 3 REDACTED Version of Opp. to Micron's Technical Daubert, # 4 UNREDACTED Version of Opp. to Micron's Technical Daubert, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6)(Dyer, Barrington) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	490	OPPOSITION/RESPONSE (re 427 MOTION in Limine <i>Micron's Technical Daubert Motion</i>) filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6)(Dyer, Barrington) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	491	

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		OPPOSITION/RESPONSE (re 420 MOTION in Limine <i>re: Technical Matters</i>) filed byMLC Intellectual Property, LLC. (Dyer, Barrington) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	492	OPPOSITION/RESPONSE (re 444 MOTION in Limine <i>No. 1</i>) filed byMLC Intellectual Property, LLC. (Nguyen, Teri) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	493	OPPOSITION/RESPONSE (re 449 MOTION in Limine <i>No. 4</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Nguyen, Teri) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	494	OPPOSITION/RESPONSE (re 451 MOTION in Limine <i>No. 5</i>) filed byMLC Intellectual Property, LLC. (Nguyen, Teri) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	495	OPPOSITION/RESPONSE (re 447 MOTION in Limine <i>No. 3</i>) filed byMLC Intellectual Property, LLC. (Nguyen, Teri) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	496	OPPOSITION/RESPONSE (re 445 MOTION in Limine <i>No. 2</i>) filed byMLC Intellectual Property, LLC. (Nguyen, Teri) (Filed on 5/3/2019) (Entered: 05/03/2019)
05/03/2019	497	Administrative Motion to File Under Seal <i>Portions of MLC's Opp. to Micron's Daubert Re Milani, Opp. to Micron's Daubert Re Epstein, and Declarations and Exhibits to MLC's Opp. Dauberts and Opp. MIL</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Proposed Order, # 3 REDACTED Version of Opp. to Daubert re Milani, # 4 UNREDACTED Version of Opp. to Daubert re Milani, # 5 REDACTED Version of Opp. to Daubert re Epstein, # 6 UNREDACTED Version of Opp. to Daubert re Epstein, # 7 Declaration REDACTED Version of Robert Hinckley, # 8 Declaration UNREDACTED Version of Robert Hinckley, # 9 Declaration REDACTED Version of Ronald Epstein, # 10 Declaration UNREDACTED Version of Ronald Epstein, # 11 Exhibit A, # 12 Exhibit G, # 13 Exhibit H, # 14 Exhibit I, # 15 Exhibit J, # 16 Exhibit K, # 17 Exhibit L, # 18 Exhibit M, # 19 Exhibit N, # 20 Exhibit O, # 21 Exhibit P, # 22 Exhibit Q)(Horton, Rebecca) (Filed on 5/3/2019) (Entered: 05/04/2019)
05/04/2019	498	Administrative Motion to File Under Seal <i>Portions of MLC's Opp. to Micron's Motion to Strike Portions of Milani Report</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri Nguyen, # 2 Proposed Order, # 3 REDACTED Version of MLC's Opp. to Motion to Strike, # 4 UNREDACTED Version of MLC's Opp. to Motion to Strike)(Horton, Rebecca) (Filed on 5/4/2019) (Entered: 05/04/2019)
05/04/2019	499	OPPOSITION/RESPONSE (re 452 MOTION to Strike <i>Portions of the Milani Expert Report</i>) filed byMLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 5/4/2019) (Entered: 05/04/2019)
05/04/2019	500	Administrative Motion to File Under Seal <i>Portions of MLC's Opp. to Micron's Daubert Re Milani, Opp. to Micron's Daubert Re Epstein, and Declarations</i>

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		<i>and Exhibits to MLC's Opp. Dauberts and Opp. MIL, Dkt. 497</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration REDACTED Version of Fabio E. Marino, # 2 Declaration UNREDACTED Version of Fabio E. Marino)(Horton, Rebecca) (Filed on 5/4/2019) (Entered: 05/04/2019)
05/04/2019	501	OPPOSITION/RESPONSE (re 448 MOTION in <i>Limine Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Mr. Ronald Epstein</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Ronald Epstein, # 2 Declaration Robert Hinckley)(Horton, Rebecca) (Filed on 5/4/2019) (Entered: 05/04/2019)
05/04/2019	502	OPPOSITION/RESPONSE (re 446 MOTION in <i>Limine Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Michael K. Milani</i>) filed byMLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 5/4/2019) (Entered: 05/04/2019)
05/04/2019	503	Declaration of Fabio E. Marino in Support of 502 Opposition/Response to Motion, 494 Opposition/Response to Motion, 493 Opposition/Response to Motion, 495 Opposition/Response to Motion, 496 Opposition/Response to Motion, 492 Opposition/Response to Motion, 501 Opposition/Response to Motion, filed byMLC Intellectual Property, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G-Q)(Related document(s) 502 , 494 , 493 , 495 , 496 , 492 , 501) (Horton, Rebecca) (Filed on 5/4/2019) (Entered: 05/04/2019)
05/06/2019	504	Declaration of Jonathan B. Bright in Support of 478 Administrative Motion to File Under Seal <i>MLC's Motion for Leave to File Motion for Reconsideration</i> filed byMicron Technology, Inc.. (Related document(s) 478) (Bright, Jonathan) (Filed on 5/6/2019) (Entered: 05/06/2019)
05/06/2019	505	ORDER GRANTING IN PART MOTION TO COMPEL COMPLIANCE WITH SUBPOENAS in case 3:14-cv-03657-SI; granting in part and denying in part (1) Motion to Transfer Case in case 3:19-mc-80047-SI. (Illston, Susan) (Filed on 5/6/2019) (Entered: 05/06/2019)
05/07/2019	506	ORDER RE: MICRON'S OMNIBUS ADMINISTRATIVE MOTION TO FILE UNDER SEAL PORTIONS OF MICRON'S DAUBERT MOTIONS, MOTION TO STRIKE AND EXHIBITS granting in part and denying in part 443 Administrative Motion to File Under Seal. (Illston, Susan) (Filed on 5/7/2019) (Entered: 05/07/2019)
05/07/2019	507	ORDER RE: MLC'S OMNIBUS ADMINISTRATIVE MOTION FOR LEAVE TO FILE UNDER SEAL PORTIONS OF MLC'S DAUBERT MOTION, EXHIBITS AND MOTION IN LIMINE 453 454 455 . (Illston, Susan) (Filed on 5/7/2019) (Entered: 05/07/2019)
05/07/2019	508	Declaration of Rebecca B. Horton in Support of 481 Administrative Motion to File Under Seal <i>Portions of Micron's Opps to MLC's Mot to Exclude Meyer Testimony and MLC's Damages-Related MILs re Testimony of Liesegang & Meyer</i> filed byMLC Intellectual Property, LLC. (Related document(s) 481) (Horton, Rebecca) (Filed on 5/7/2019) (Entered: 05/07/2019)
05/07/2019	509	

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		Declaration of Jonathan B. Bright in Support of 489 Administrative Motion to File Under Seal <i>Portions of MLC's Opposition to Micron's Technical Daubert Motion and Exhibits Thereto</i> filed by Micron Technology, Inc.. (Related document(s) 489) (Bright, Jonathan) (Filed on 5/7/2019) (Entered: 05/07/2019)
05/07/2019	510	Declaration of Jonathan B. Bright in Support of 498 Administrative Motion to File Under Seal <i>Portions of MLC's Opp. to Micron's Motion to Strike Portions of Milani Report</i> filed by Micron Technology, Inc.. (Related document(s) 498) (Bright, Jonathan) (Filed on 5/7/2019) (Entered: 05/07/2019)
05/07/2019	511	Declaration of Jonathan B. Bright in Support of 500 Administrative Motion to File Under Seal <i>Portions of MLC's Opp. to Micron's Daubert Re Milani, Opp. to Micron's Daubert Re Epstein, and Declarations and Exhibits to MLC's Opp. Dauberts and Opp. MIL, Dkt. 497, 497</i> Administrative Motion to File Under Seal <i>Portions of MLC's Opp. to Micron's Daubert Re Milani, Opp. to Micron's Daubert Re Epstein, and Declarations and Exhibits to MLC's Opp. Dauberts and Opp. MIL</i> filed by Micron Technology, Inc.. (Related document(s) 500 , 497) (Bright, Jonathan) (Filed on 5/7/2019) (Entered: 05/07/2019)
05/08/2019	512	ORDER by Judge Susan Illston granting 478 Administrative Motion to File Under Seal Motion for Leave to File Motion for Reconsideration. (tfS, COURT STAFF) (Filed on 5/8/2019) (Entered: 05/08/2019)
05/08/2019	513	ERRATA re 501 Opposition/Response to Motion, 497 Administrative Motion to File Under Seal <i>Portions of MLC's Opp. to Micron's Daubert Re Milani, Opp. to Micron's Daubert Re Epstein, and Declarations and Exhibits to MLC's Opp. Dauberts and Opp. MIL CORRECTION OF DOCKET [497-5], 501</i> by MLC Intellectual Property, LLC. (Attachments: # 1 REDACTED Version of MLC's Opp. to Micron's Daubert Mtn to Exclude Expert Testimony)(Marino, Fabio) (Filed on 5/8/2019) (Entered: 05/08/2019)
05/09/2019	514	NOTICE by Micron Technology, Inc. re 506 Order on Administrative Motion to File Under Seal, <i>Notice of Compliance with Court Order</i> (Attachments: # 1 Exhibit Public 8, # 2 Exhibit Public 9, # 3 Exhibit Corrected 13 Public, # 4 Exhibit Corrected 14 Public, # 5 Exhibit Corrected 16 Public, # 6 Exhibit Corrected 17 Public, # 7 Exhibit Corrected 18 Public, # 8 Exhibit Corrected 19 Public, # 9 Exhibit Corrected Redacted Ex. 22, # 10 Exhibit Public 25, # 11 Exhibit Public 26, # 12 Exhibit Public 27, # 13 Exhibit Public 28)(Ellis, Michael) (Filed on 5/9/2019) (Entered: 05/09/2019)
05/09/2019	515	ORDER DIRECTING MICRON TO FILE A RESPONSE TO MLC'S MOTION FOR LEAVE TO FILE A MOTION FOR RECONSIDERATION (Illston, Susan) (Filed on 5/9/2019) (Entered: 05/09/2019)
05/09/2019	516	ORDER by Judge Susan Illston granting 482 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 5/9/2019) (Entered: 05/09/2019)
05/09/2019	517	

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		ORDER by Judge Susan Illston granting 481 Administrative Motion to File Under Seal. Signed on 5/9/19 (tfS, COURT STAFF) (Filed on 5/9/2019) (Entered: 05/09/2019)
05/09/2019	518	Supplemental Administrative Motion to File Under Seal <i>Portions of MLC's Damages-Redacted Version of MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 Redacted Version of MLC's Damages-Related Daubert Motion, # 4 Unredacted Version of MLC's Damages-Related Daubert Motion)(Horton, Rebecca) (Filed on 5/9/2019) (Entered: 05/09/2019)
05/09/2019	519	MOTION in Limine <i>MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 6/5/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/3/2019. Replies due by 5/10/2019. (Attachments: # 1 Exhibit Exhibit 5, # 2 Exhibit Exhibit 6)(Horton, Rebecca) (Filed on 5/9/2019) (Entered: 05/09/2019)
05/10/2019	520	ERRATA re 519 MOTION in Limine <i>MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike</i> , 518 Supplemental Administrative Motion to File Under Seal <i>Portions of MLC's Damages-Redacted Version of MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike</i> CORRECTION OF DOCKET NOS. [518-3], [518-4], 519 by MLC Intellectual Property, LLC. (Attachments: # 1 REDACTED Version of MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike,)(Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	521	Administrative Motion to File Under Seal <i>PORTIONS OF MLC'S DAMAGES-RELATED DAUBERT MOTION TO EXCLUDE TESTIMONY OF PAUL MEYER OR IN THE ALTERNATIVE MOTION TO STRIKE</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of MLC'S DAMAGES-RELATED DAUBERT MOTION TO EXCLUDE TESTIMONY OF PAUL MEYER OR IN THE ALTERNATIVE MOTION TO STRIKE, # 4 UNREDACTED Version of MLC'S DAMAGES-RELATED DAUBERT MOTION TO EXCLUDE TESTIMONY OF PAUL MEYER OR IN THE ALTERNATIVE MOTION TO STRIKE)(Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	522	NOTICE by Micron Technology, Inc. re 506 Order on Administrative Motion to File Under Seal, <i>Second Notice of Compliance with Court Order</i> (Attachments: # 1 Exhibit Corrected Public 15)(Ellis, Michael) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	523	NOTICE by MLC Intellectual Property, LLC re 507 Order on Administrative Motion to File Under Seal,, <i>Notice of Compliance with Court Order</i> (Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)

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05/10/2019	524	REPLY (re 444 MOTION in Limine No. 1) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	525	REPLY (re 445 MOTION in Limine No. 2) <i>Micron's Reply In Support of Its Damages Motion In Limine No. 2</i> filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	526	REPLY (re 447 MOTION in Limine No. 3) <i>Micron Reply In Support of Its Damages Motion In Limine No. 3</i> filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	527	REPLY (re 449 MOTION in Limine No. 4) <i>Micron's Reply In Support of Micron's Damages Motion In Limine No. 4</i> filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	528	REPLY (re 451 MOTION in Limine No. 5) <i>Micron's Reply In Support of Its Damages Motion In Limine No. 5</i> filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	529	REPLY (re 420 MOTION in Limine re: <i>Technical Matters</i>) <i>Micron's Reply In Support Of Its Technical Motions In Limine</i> filed by Micron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) Modified on 5/13/2019 (amgS, COURT STAFF). (Entered: 05/10/2019)
05/10/2019	530	REPLY (re 427 MOTION in Limine <i>Micron's Technical Daubert Motion</i>) <i>Micron's Reply In Support of Micron's Technical Daubert Motion</i> filed by Micron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) Modified on 5/13/2019 (amgS, COURT STAFF). (Entered: 05/10/2019)
05/10/2019	531	Letter from Adam Shartzter <i>Responding to 477 Mr. Marino's 5/2/19 Letter.</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	532	Administrative Motion to File Under Seal <i>Portions of MLC's Reply to Micron's Opp. to MLC's Damages-Related MIL Re Liesegang and Meyer</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 Exhibit REDACTED Version of Ex. 14, # 4 Exhibit UNREDACTED Version of Ex. 14)(Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	533	REPLY (re 450 MOTION in Limine <i>MLC's Notice of Motion and Damages-Related Motions in Limine Re Expert Testimony of Robert Liesegang and Paul Meyer</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit Ex. 14)(Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	534	Administrative Motion to File Under Seal <i>Exhibit 5 to MLC's Reply to Micron's Opp. to MLC's Technical Daubert I</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Barrington Dyer, # 2 Proposed Order, # 3 Exhibit UNREDACTED Version of Ex. 5)(Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	535	REPLY (re 423 MOTION in Limine <i>FIRST DAUBERT Motion to Exclude Testimony of Joseph McAlexander or in the Alternative Motion to Strike</i>) filed

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		byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit REDACTED Version of Ex. 5)(Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	536	REPLY (re 424 MOTION in Limine <i>SECOND DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i>) filed byMLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	537	REPLY (re 425 MOTION in Limine <i>THIRD DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i>) filed byMLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	538	Administrative Motion to File Under Seal <i>Portions of MLC's Reply to Micron's Opp. to MLC's Daubert Mtn to Exclude Expert Testimony and Opinions of Paul Meyer</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri H.P. Nguyen, # 2 Proposed Order, # 3 REDACTED Version of MLC's Reply to Micron's Opp. to MLC's Daubert Mtn to Exclude Expert Testimony and Opinions of Paul Meyer, # 4 UNREDACTED Version of MLC's Reply to Micron's Opp. to MLC's Daubert Mtn to Exclude Expert Testimony and Opinions of Paul Meyer)(Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	539	REPLY (re 456 MOTION in Limine <i>MLC's Damages Related Daubert Motion</i>) filed byMLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	540	Administrative Motion to File Under Seal <i>Omnibus Portions of Micron's Replies In Support of its Motions to Strike Portions of the Milani Report, Daubert Motions to Exclude Expert Testimony and Opinions of Michael K. Milani and Ronald Epstein</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Redacted Reply In Support of Daubert Motion to Exclude Expert Testimony and Opinions of Michael K. Milani Daubert Motion, # 4 Unredacted Reply In Support of Daubert Motion to Exclude Expert Testimony and Opinions of Michael K. Milani Daubert Motion, # 5 Redacted Reply In Support of Daubert Motion to Exclude Expert Testimony and Opinions of Mr. Ronald Epstein, # 6 Unredacted Reply In Support of Daubert Motion to Exclude Expert Testimony and Opinions of Mr. Ronald Epstein, # 7 Redacted Micron Reply In Support of Motion to Strike Portions of Milani Expert Report, # 8 Unredacted Micron Reply In Support of Motion to Strike Portions of Milani Expert Report)(Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	541	REPLY (re 428 MOTION in Limine <i>THIRD Motion in Limine to Exclude Expert Testimony of Joseph McAlexander</i>) filed byMLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	542	REPLY (re 446 MOTION in Limine <i>Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Michael K. Milani</i>) filed byMicron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 31)(Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	543	

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		REPLY (re 448 MOTION in Limine <i>Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Mr. Ronald Epstein</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 32, # 3 Exhibit 33, # 4 Exhibit 34)(Ballanco, Michael) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	544	REPLY (re 452 MOTION to Strike <i>Portions of the Milani Expert Report</i>) filed by Micron Technology, Inc.. (Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	545	REPLY (re 426 MOTION in Limine <i>FIRST AND SECOND Motion in Limine to Exclude Expert Testimony of Joseph McAlexander or to Strike</i>) filed by MLC Intellectual Property, LLC. (Horton, Rebecca) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	546	Administrative Motion to File Under Seal <i>Micron's Mot for Summary Judgment of Noninfringement</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 REDACTED MSJ, # 4 UNREDACTED MSJ, # 5 UNREDACTED Ex 2 (Submitted Entirely Under Seal), # 6 UNREDACTED Ex 3 (Submitted Entirely Under Seal), # 7 UNREDACTED Ex 4 (Submitted Entirely Under Seal), # 8 UNREDACTED Ex 5 (Submitted Entirely Under Seal))(Bright, Jonathan) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/10/2019	547	MOTION for Summary Judgment of <i>Noninfringement (REDACTED)</i> filed by Micron Technology, Inc.. Motion Hearing set for 6/14/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 5/24/2019. Replies due by 5/31/2019. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Exhibit 2 (Submitted Entirely Under Seal), # 4 Exhibit 3 (Submitted Entirely Under Seal), # 5 Exhibit 4 (Submitted Entirely Under Seal), # 6 Exhibit 5 (Submitted Entirely Under Seal), # 7 Exhibit 6, # 8 Proposed Order)(Shartzter, Adam) (Filed on 5/10/2019) (Entered: 05/10/2019)
05/13/2019	548	Declaration of Michael J. Ballanco in Support of 518 Supplemental Administrative Motion to File Under Seal <i>Portions of MLC's Damages-Redacted Version of MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike</i> filed by Micron Technology, Inc.. (Related document(s) 518) (Ballanco, Michael) (Filed on 5/13/2019) (Entered: 05/13/2019)
05/14/2019	549	CLERK'S NOTICE regarding trial preparation/exhibit management. Counsel shall arrange for their paralegals to contact the Courtroom Clerk. The paralegals shall arrange for the conference call and provide the clerk with the dial in and access code numbers. This conference will only be for the trial support team in attempts to discuss logistics with the Courtroom Clerk. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Status Conference set for 6/12/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 5/14/2019) (Entered: 05/14/2019)
05/14/2019	550	Declaration of Rebecca B. Horton in Support of 540 Administrative Motion to File Under Seal <i>Omnibus Portions of Micron's Replies In Support of its</i>

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		<i>Motions to Strike Portions of the Milani Report, Daubert Motions to Exclude Expert Testimony and Opinions of Michael K. Milani and Ronald Epstein</i> filed byMLC Intellectual Property, LLC. (Related document(s) 540) (Horton, Rebecca) (Filed on 5/14/2019) (Entered: 05/14/2019)
05/14/2019	551	Declaration of Rebecca B. Horton in Support of 546 Administrative Motion to File Under Seal <i>Micron's Mot for Summary Judgment of Noninfringement</i> filed byMLC Intellectual Property, LLC. (Related document(s) 546) (Horton, Rebecca) (Filed on 5/14/2019) (Entered: 05/14/2019)
05/14/2019	552	Declaration of Jonathan B. Bright in Support of 532 Administrative Motion to File Under Seal <i>Portions of MLC's Reply to Micron's Opp. to MLC's Damages-Related MIL Re Liesegang and Meyer</i> filed byMicron Technology, Inc.. (Related document(s) 532) (Bright, Jonathan) (Filed on 5/14/2019) (Entered: 05/14/2019)
05/14/2019	553	Declaration of Jonathan B. Bright in Support of 534 Administrative Motion to File Under Seal <i>Exhibit 5 to MLC's Reply to Micron's Opp. to MLC's Technical Daubert I</i> filed byMicron Technology, Inc.. (Related document(s) 534) (Bright, Jonathan) (Filed on 5/14/2019) (Entered: 05/14/2019)
05/14/2019	554	Declaration of Jonathan B. Bright in Support of 538 Administrative Motion to File Under Seal <i>Portions of MLC's Reply to Micron's Opp. to MLC's Daubert Mtn to Exclude Expert Testimony and Opinions of Paul Meyer</i> filed byMicron Technology, Inc.. (Related document(s) 538) (Bright, Jonathan) (Filed on 5/14/2019) (Entered: 05/14/2019)
05/14/2019	555	Declaration of Michael J. Ballanco in Support of 521 Administrative Motion to File Under Seal <i>PORTIONS OF MLC'S DAMAGES-RELATED DAUBERT MOTION TO EXCLUDE TESTIMONY OF PAUL MEYER OR IN THE ALTERNATIVE MOTION TO STRIKE</i> , 518 Supplemental Administrative Motion to File Under Seal <i>Portions of MLC's Damages-Redacted Version of MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike</i> filed byMicron Technology, Inc.. (Related document(s) 521 , 518) (Ballanco, Michael) (Filed on 5/14/2019) (Entered: 05/14/2019)
05/17/2019	556	OPPOSITION/RESPONSE (re 479 MOTION for Leave to File <i>Motion for Reconsideration</i>) filed byMicron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Exhibit 2)(Shartzter, Adam) (Filed on 5/17/2019) (Entered: 05/17/2019)
05/17/2019	557	Administrative Motion to File Under Seal <i>Portions of MLC's Motion for Leave to File Motion for Reconsideration Re Claim 45</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Proposed Order, # 3 REDACTED Version of MLC's Motion for Leave to File Motion for Reconsideration Re Claim 45, # 4 UNREDACTED Version of MLC's Motion for Leave to File Motion for Reconsideration Re Claim 45, # 5 Declaration Fabio E. Marino, # 6 Exhibit A)(Horton, Rebecca) (Filed on 5/17/2019) (Entered: 05/17/2019)
05/17/2019	558	

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		MOTION for Leave to File <i>Motion for Reconsideration Re Claim 45</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit A)(Horton, Rebecca) (Filed on 5/17/2019) (Entered: 05/17/2019)
05/21/2019	559	CLERK'S NOTICE continue motion hearing previously scheduled to occur on 6/5/19 have been continued to 6/6/19 at 10:00 a.m.. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , CLERK'S NOTICE Continuing Motion Hearing. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> , Set/Reset Deadlines as to 426 MOTION in Limine <i>FIRST AND SECOND Motion in Limine to Exclude Expert Testimony of Joseph McAlexander or to Strike</i> , 420 MOTION in Limine <i>re: Technical Matters</i> , 427 MOTION in Limine <i>Micron's Technical Daubert Motion</i> , 519 MOTION in Limine <i>MLC's Damages-Related Daubert Motion to Exclude Testimony of Paul Meyer or in the Alternative Motion to Strike</i> , 444 MOTION in Limine <i>No. 1</i> , 449 MOTION in Limine <i>No. 4</i> , 425 MOTION in Limine <i>THIRD DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i> , 452 MOTION to Strike <i>Portions of the Milani Expert Report</i> , 446 MOTION in Limine <i>Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Michael K. Milani</i> , 423 MOTION in Limine <i>FIRST DAUBERT Motion to Exclude Testimony of Joseph McAlexander or in the Alternative Motion to Strike</i> , 428 MOTION in Limine <i>THIRD Motion in Limine to Exclude Expert Testimony of Joseph McAlexander</i> , 450 MOTION in Limine <i>MLC's Notice of Motion and Damages-Related Motions in Limine Re Expert Testimony of Robert Liesegang and Paul Meyer</i> , 451 MOTION in Limine <i>No. 5</i> , 424 MOTION in Limine <i>SECOND DAUBERT Motion to Exclude Expert Testimony of Joseph McAlexander</i> , 445 MOTION in Limine <i>No. 2</i> , 448 MOTION in Limine <i>Micron's Daubert Motion to Exclude Expert Testimony and Opinions of Mr. Ronald Epstein</i> , 456 MOTION in Limine <i>MLC's Damages Related Daubert Motion</i> , 447 MOTION in Limine <i>No. 3</i> . Motion Hearing set for 6/6/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (Related documents(s) 426 , 420 , 427 , 519 , 444 , 449 , 425 , 452 , 446 , 423 , 428 , 450 , 451 , 424 , 445 , 448 , 456)(tfS, COURT STAFF) (Filed on 5/21/2019) (Entered: 05/21/2019)
05/21/2019	560	Declaration of Michael R. Ellis in Support of 557 Administrative Motion to File Under Seal <i>Portions of MLC's Motion for Leave to File Motion for Reconsideration Re Claim 45</i> filed by Micron Technology, Inc.. (Related document(s) 557) (Ellis, Michael) (Filed on 5/21/2019) (Entered: 05/21/2019)
05/24/2019	561	ORDER DENYING MLC'S FIRST MOTION FOR LEAVE TO FILE A MOTION FOR RECONSIDERATION 479 . (Illston, Susan) (Filed on 5/24/2019) (Entered: 05/24/2019)
05/24/2019	562	ORDER by Judge Susan Illston granting 557 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 5/24/2019) (Entered: 05/24/2019)
05/24/2019	563	

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		ORDER DENYING MLC'S SECOND MOTION FOR LEAVE TO FILE A MOTION FOR RECONSIDERATION 558 . (Illston, Susan) (Filed on 5/24/2019) (Entered: 05/24/2019)
05/24/2019	564	Administrative Motion to File Under Seal <i>Portions of MLC's Opposition to Micron's MSJ on Noninfringement</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Barrington Dyer, # 2 Proposed Order, # 3 REDACTED Version of MLC's Opp. to Micron's MSJ on Noninfringement, # 4 UNREDACTED Version of MLC's Opp. to Micron's MSJ on Noninfringement, # 5 Exhibit B, # 6 Exhibit C, # 7 Exhibit D, # 8 Exhibit G, # 9 Exhibit H)(Dyer, Barrington) (Filed on 5/24/2019) (Entered: 05/24/2019)
05/24/2019	565	OPPOSITION/RESPONSE (re 547 MOTION for Summary Judgment of <i>Noninfringement (REDACTED)</i>) filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Fabio E. Marino, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H)(Dyer, Barrington) (Filed on 5/24/2019) (Entered: 05/24/2019)
05/28/2019	566	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Settlement Conference held on 5/28/2019. Further Settlement Conference set for 7/10/2019 at 11:00 a.m. in San Francisco, Courtroom F, 15th Floor. (Not Reported)(Time 6:15) Attorneys for Plaintiff: Fabio Marino; Russell Jones, Jr. Attorneys for Defendant: Timothy Riffe; Ruffin Cordell. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ahm, COURT STAFF) (Date Filed: 5/28/2019) (Entered: 05/28/2019)
05/28/2019	567	Declaration of Jonathan B. Bright in Support of 564 Administrative Motion to File Under Seal <i>Portions of MLC's Opposition to Micron's MSJ on Noninfringement</i> filed by Micron Technology, Inc.. (Related document(s) 564) (Bright, Jonathan) (Filed on 5/28/2019) (Entered: 05/28/2019)
05/29/2019	568	CLERK'S NOTICE RE: COMPLIANCE WITH THE COURT'S STANDING ORDER. Counsel are reminded of the following when providing chambers copies to the Court: all chambers copies must be 3-hole punched, and all chambers copies must include the ECF stamp, including under seal copies. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 5/29/2019) (Entered: 05/29/2019)
05/29/2019	569	CLERK'S NOTICE RE: FAILURE TO PROVIDE CHAMBERS COPIES. Plaintiffs counsel did not provide the Court with chambers copies of any of the unredacted or under seal materials in Dkt. 497. Plaintiff is directed to provide the Court with chambers copies of those materials, with 3 hole punches and ECF stamps, no later than 5pm today. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 5/29/2019) (Entered: 05/29/2019)

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05/29/2019	570	ORDER by Judge Susan Illston granting 521 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 5/29/2019) (Entered: 05/29/2019)
05/29/2019	571	ORDER by Judge Susan Illston granting 538 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 5/29/2019) (Entered: 05/29/2019)
05/29/2019	572	ORDER by Judge Susan Illston granting 534 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 5/29/2019) (Entered: 05/29/2019)
05/29/2019	573	CLERK'S NOTICE FAILURE TO PROVIDE CHAMBERS COPIES.In the Courts order at #506, the Court informed Micron that it was missing chambers copies of Exhibits 4, 8-9, and 25-28 to the motions filed at 442-449, 451-452, and directed Micron to provide chambers copies of those exhibits by May 10. Micron did not do so. Micron is directed to provide chambers copies of those exhibits by 5pm today. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 5/29/2019) (Entered: 05/29/2019)
05/29/2019	574	CLERK'S NOTICE RE: Documents with ECF stamps.Counsel shall provide copies of Doc. Nos. 533 and 532 that include the ECF stamp by 5 p.m. today. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 5/29/2019) (Entered: 05/29/2019)
05/30/2019	575	CLERK'S NOTICE RE FAILURE TO COMPLY WITH COURT DIRECTIVE: MLC has repeatedly failed to properly file administrative motions to file under seal and to provide the Court with chambers copies of those motions. On May 29, 2019, the Court issued a clerks notice regarding MLCs failure to provide the Court with chambers copies of the under seal documents in Dkt. 497, and directed MLC to provide the Court with chambers copies that were 3-hole punched and had the ECF stamps on them. MLC provided the Court with an incomplete set of chambers copies with NO ECF stamps. The Court is STILL missing all of the under seal exhibits to Mr. Marinos declaration specifically, Exhibits A, G-Q. MLC has repeatedly provided the Court with the redacted versions of these documents, i.e. with exhibits that are redacted in their entirety. By noon today MLC shall provide the Court with unredacted chambers copies of Exhibits A and G-Q that contain ECF stamps (e.g., Exhibit A to the Marino Declaration is Dkt. No. 497-11), that are 3-hole punched, and that contain exhibit tabs.. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 5/30/2019) (Entered: 05/30/2019)
05/30/2019	576	CLERK'S NOTICE RE: Documents filed under seal.For under seal filings where there is no automatically generated ECF stamp, the parties shall write the ECF number on the first page of each under seal document, e.g. Document 497-11". <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 5/30/2019) (Entered: 05/30/2019)

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05/31/2019	577	CLERK'S NOTICE: Microns Daubert motion to exclude the expert testimony of Ronald Epstein is scheduled for a hearing on June 6, 2019 at 10 a.m. The Court has reviewed the briefing on this motion, including Mr. Epsteins deposition testimony and the declaration that he submitted in opposition to the Daubert motion, and the Court finds that the record is unclear as to whether Mr. Epstein may receive any future additional compensation in a non-expert capacity based upon the outcome of this case. Accordingly, the Court directs MLC to ensure Mr. Epsteins appearance at the June 6 hearing so that Mr. Epstein may be questioned about that matter.. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 5/31/2019) (Entered: 05/31/2019)
05/31/2019	578	NOTICE of Appearance by Joshua Louis Rayes (Rayes, Joshua) (Filed on 5/31/2019) (Entered: 05/31/2019)
05/31/2019	579	Administrative Motion to File Under Seal <i>Portions of Micron's Reply ISO MSJ and Exhibits Thereto</i> filed by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 REDACTED Reply ISO MSJ, # 4 UNREDACTED Reply ISO MSJ, # 5 UNREDACTED Ex A to Bright Dec ISO MSJ Reply (Filed Entirely Under Seal), # 6 *** SEE CORRECTION AT 582 *** REDACTED Ex B to Bright Dec ISO MSJ Reply, # 7 UNREDACTED Ex B to Bright Dec ISO MSJ Reply, # 8 UNREDACTED Ex C to Bright Dec ISO MSJ Reply (Filed Entirely Under Seal), # 9 REDACTED Ex D to Bright Dec ISO MSJ Reply, # 10 UNREDACTED Ex D to Bright Dec ISO MSJ Reply)(Bright, Jonathan) (Filed on 5/31/2019) Modified on 6/3/2019 (amgS, COURT STAFF). (Entered: 05/31/2019)
05/31/2019	580	REPLY (re 547 MOTION for Summary Judgment of <i>Noninfringement (REDACTED)</i>) filed byMicron Technology, Inc.. (Attachments: # 1 Declaration of Jonathan Bright, # 2 Exhibit A (Filed Entirely Under Seal), # 3 Exhibit B, # 4 Exhibit C (Filed Entirely Under Seal), # 5 Exhibit D)(Shartzter, Adam) (Filed on 5/31/2019) (Entered: 05/31/2019)
06/03/2019	581	CLERK'S NOTICE: It has come to the Courts attention that the electronic under seal version of the Milani report filed by Micron was incorrectly filed. Dkt. No. 442-3 is not fully unredacted. See, e.g. page 16 of the report. The chambers copy provided to the Court is fully unredacted with highlighting; the Court does not need another chambers copy. Micron is directed to properly file an unredacted version of the report under seal. It is the parties responsibility to ensure that all of the under seal electronic filings are fully unredacted. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 6/3/2019) (Entered: 06/03/2019)
06/03/2019	582	EXHIBITS re 579 Administrative Motion to File Under Seal <i>Portions of Micron's Reply ISO MSJ and Exhibits Thereto</i> CORRECTION OF DOCKET # [579-6] - REDACTED EX. B filed byMicron Technology, Inc.. (Related document(s) 579) (Bright, Jonathan) (Filed on 6/3/2019) Modified on 6/3/2019 (amgS, COURT STAFF). (Entered: 06/03/2019)
06/03/2019	583	ORDER by Judge Susan Illston granting 540 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 6/3/2019) (Entered: 06/03/2019)

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06/03/2019	584	ORDER by Judge Susan Illston granting 532 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 6/3/2019) (Entered: 06/03/2019)
06/03/2019	585	Administrative Motion to File Under Seal - <i>CORRECTED DKT 442-3 - UNREDACTED Ex 1 to Ellis Dec ISO Omnibus Mot to Seal</i> filed by Micron Technology, Inc.. (Ellis, Michael) (Filed on 6/3/2019) (Entered: 06/03/2019)
06/03/2019	586	ORDER RE: MLC'S ADMINISTRATIVE MOTION TO SEAL, CHAMBERS COPIES, AND JUNE 12 CONFERENCE CALL RE: TRIAL granting in part and denying in part 497 Administrative Motion to File Under Seal. (Illston, Susan) (Filed on 6/3/2019) (Entered: 06/03/2019)
06/03/2019	587	ORDER RE: ADMINISTRATIVE MOTIONS TO FILE UNDER SEAL granting in part and denying in part 489 Administrative Motion to File Under Seal; granting in part and denying in part 498 Administrative Motion to File Under Seal. (Illston, Susan) (Filed on 6/3/2019) (Entered: 06/03/2019)
06/04/2019	588	ORDER GRANTING MLC'S ADMINISTRATIVE MOTION TO SEAL PORTIONS OF MARINO DECLARATION FILED AT DKT. 500 granting 500 Administrative Motion to File Under Seal. (Illston, Susan) (Filed on 6/4/2019) (Entered: 06/04/2019)
06/04/2019	589	CLERK'S NOTICE: It has come to the Courts attention that Micron failed to properly file a document under seal. Dkt. No. 370-7 is supposed to be a fully unredacted copy but only the single redacted page of the exhibit was filed. Micron shall file a fully unredacted copy of 370-7 (and that document should not be docketed as an administrative motion to seal, but rather the docket entry should make clear that it is a corrected version of 370-7). <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (tfS, COURT STAFF) (Filed on 6/4/2019) (Entered: 06/04/2019)
06/04/2019	590	EXHIBITS re 370 Administrative Motion to File Under Seal <i>Portions of Micron's Mot to Strike Portions of the Lee Report and Exhibits Thereto -CORRECTED DKT 370-7 (Ex. A to Shartzter Dec ISO Mot to Strike) FILED PER CLERK'S NTC OF 6/4/19</i> filed by Micron Technology, Inc.. (Related document(s) 370) (Shartzter, Adam) (Filed on 6/4/2019) (Entered: 06/04/2019)
06/07/2019	591	Minute Entry for proceedings held before Judge Susan Illston: Motion Hearing held on 6/6/2019. Motions 420, 423 424, 425, 426, 427, 428, 444, 445, 446, 447, 448, 449, 450, 451, 452, 456, 519 held and deemed submitted. The Court will not allow any further summary judgment motions to be filed. Ronald Epstein was sworn and was examined by the Court.Total Time in Court: 2:45. Court Reporter: Debra Pas. (tfS, COURT STAFF) (Date Filed: 6/7/2019) (Entered: 06/07/2019)
06/07/2019	592	TRANSCRIPT ORDER for proceedings held on 06/06/19 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Debra Pas. (Marino, Fabio) (Filed on 6/7/2019) (Entered: 06/07/2019)
06/07/2019	593	

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		TRANSCRIPT ORDER for proceedings held on 06/06/2019 before Judge Susan Illston by Micron Technology, Inc., for Court Reporter Debra Pas. (Shartzter, Adam) (Filed on 6/7/2019) (Entered: 06/07/2019)
06/10/2019	594	ERRATA NOTICE OF ERRATA RE: MLC'S REDACTED AND UNREDACTED VERSIONS OF MLC'S OPP. TO MICRON'S MTS PORTIONS OF THE MILANI EXPERT REPORT - CORRECTION OF DOCKET [498-3], [498-4] and 499 by MLC Intellectual Property, LLC. (Attachments: # 1 REDACTED/REDLINED Version of MLC's Opp. to Micron's MTS Portions of the Milani Expert Report, # 2 REDACTED Version of MLC's Opp. to Micron's MTS Portions of the Milani Expert Report)(Nguyen, Teri) (Filed on 6/10/2019) (Entered: 06/10/2019)
06/10/2019	595	Administrative Motion to File Under Seal <i>Portions of MLC's Corrected Opp. to Micron's Motion to Strike Portions of Milani Report - Pursuant to Notice of Errata at Dkt. 594</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri H.P. Nguyen, # 2 Proposed Order, # 3 REDACTED/REDLINED Version of MLC's Opp. to Micron's MTS Milani Expert Report, # 4 REDACTED Version of MLC's Opp. to Micron's MTS Milani Expert Report, # 5 UNREDACTED/REDLINED Version of MLC's Opp. to Micron's MTS Milani Expert Report, # 6 UNREDACTED Version of MLC's Opp. to Micron's MTS Milani Expert Report)(Nguyen, Teri) (Filed on 6/10/2019) (Entered: 06/10/2019)
06/11/2019	596	ORDER RE: MICRON'S DAMAGES MOTIONS IN LIMINE #2, #3 AND #5 Granting 445 Motion in Limine; granting 447 Motion in Limine; denying 451 Motion in Limine. (Illston, Susan) (Filed on 6/11/2019) (Entered: 06/11/2019)
06/11/2019	597	DISREGARD FILED IN ERROR (Entered: 06/11/2019)
06/11/2019	598	ORDER GRANTING IN PART AND DENYING IN PART MICRON'S DAMAGES MOTION IN LIMINE #4 RE: PRE-SUIT DAMAGES (Illston, Susan) (Filed on 6/11/2019) (Entered: 06/11/2019)
06/11/2019	599	DISREGARD FILED IN ERROR (Entered: 06/11/2019)
06/11/2019	600	ORDER GRANTING MLC'S SECOND AND THIRD MOTIONS IN LIMINE RE: McALEXANDER AND DIRECTING PARTIES TO MEET AND CONFER RE: MICRONS PROPOSED MOTION IN LIMINE granting 426 Motion in Limine; granting 428 Motion in Limine. (Illston, Susan) (Filed on 6/11/2019) (Entered: 06/11/2019)
06/13/2019	601	TRANSCRIPT ORDER for Future Trial with Daily Transcripts by Micron Technology, Inc.. (Ballanco, Michael) (Filed on 6/13/2019) (Entered: 06/13/2019)
06/13/2019	602	ORDER by Judge Susan Illston granting 564 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 6/13/2019) (Entered: 06/13/2019)
06/13/2019	603	

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		ORDER by Judge Susan Illston granting 579 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 6/13/2019) (Entered: 06/13/2019)
06/13/2019	604	TRANSCRIPT ORDER for Future Trial with Daily Transcripts by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 6/13/2019) (Entered: 06/13/2019)
06/14/2019	605	ORDER by Judge Susan Illston granting 546 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 6/14/2019) (Entered: 06/14/2019)
06/14/2019	606	ORDER RE: UPCOMING MOTIONS IN LIMINE (Illston, Susan) (Filed on 6/14/2019) (Entered: 06/14/2019)
06/14/2019	607	ORDER DENYING MICRON'S MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT denying 547 Motion for Summary Judgment. (Illston, Susan) (Filed on 6/14/2019) (Entered: 06/14/2019)
06/14/2019	608	ORDER GRANTING IN PART AND DENYING IN PART MICRON'S TECHNICAL MOTIONS IN LIMINE #1, #2, AND #3 420 . (Illston, Susan) (Filed on 6/14/2019) (Entered: 06/14/2019)
06/17/2019	609	Minute Entry for proceedings held before Judge Susan Illston: Motion Hearing held on 6/14/2019. Motion for Summary Judgment 547 - submitted.Total Time in Court: 46 minutes. Court Reporter: Ana Dub. (tfS, COURT STAFF) (Date Filed: 6/17/2019) (Entered: 06/17/2019)
06/17/2019	610	TRANSCRIPT ORDER for proceedings held on 06/14/2019 before Judge Susan Illston by Micron Technology, Inc., for Court Reporter Ana Dub. (Shartzter, Adam) (Filed on 6/17/2019) (Entered: 06/17/2019)
06/17/2019	611	TRANSCRIPT ORDER for proceedings held on 06/14/19 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Ana Dub. (Marino, Fabio) (Filed on 6/17/2019) (Entered: 06/17/2019)
06/20/2019	612	Transcript of Proceedings held on 6-6-2019, before Judge Susan Illston. Court Reporter/Transcriber Debra L. Pas, CRR, telephone number (415) 431-1477/Email: Debra_Pas@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 592 Transcript Order, 593 Transcript Order) Release of Transcript Restriction set for 9/18/2019. (Related documents(s) 592 , 593) (pasdl50S, COURT STAFF) (Filed on 6/20/2019) (Entered: 06/20/2019)
06/21/2019	613	MOTION in Limine <i>MLC'S Motion in Limine No. 1 to Preclude References to Prior Litigation Firm or Counsel</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01,

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		17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Attachments: # 1 Declaration Joshua Rayes, # 2 Exhibit #1) (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	614	MOTION in Limine <i>MLC'S Motion In Limine No. 5 to Exclude A Practicing the Prior Art Defense</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	615	MOTION in Limine <i>MLC'S Motion in Limine No. 3 to Exclude Derogatory Characterizations of Plaintiff or its Representatives</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	616	*** DISREGARD. ERROR IN FILING. SEE 617 FOR UPDATED MOTION *** MOTION in Limine <i>MLC'S Motion in Limine No. 2 to Exclude Derogatory Characterizations of Plaintiff or its Representatives</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Marino, Fabio) (Filed on 6/21/2019) Modified on 6/24/2019 (amgS, COURT STAFF). (Entered: 06/21/2019)
06/21/2019	617	MOTION in Limine <i>MLC's Motion In Limine No. 2 to Preclude Arguments Regarding Claim Construction CORRECTION OF DOCKET 616</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Rayes, Joshua) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	618	Proposed Voir Dire by MLC Intellectual Property, LLC <i>Plaintiff MLC Intellectual Property, LLC'S [Proposed] Voir Dire Questions</i> . (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	619	Proposed Form of Verdict by MLC Intellectual Property, LLC <i>Plaintiff MLC Intellectual Property, LLC'S Preliminary [Proposed] Jury Verdict Form</i> . (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	620	Proposed Order re 613 MOTION in Limine <i>MLC'S Motion in Limine No. 1 to Preclude References to Prior Litigation Firm or Counsel [Proposed] Order Granting Plaintiff MLC Intellectual Property, LLC'S Motion In Limine No. 1 to Preclude References to Prior Litigation Firm or Counsel</i> by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	621	Proposed Order re 617 MOTION in Limine <i>MLC's Motion In Limine No. 2 to Preclude Arguments Regarding Claim Construction CORRECTION OF DOCKET 616 [Proposed] Order Granting Plaintiff MLC Intellectual Property, LLC'S Motion in Limine No. 2 to Preclude Arguments Regarding Claim</i>

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		<i>Construction</i> by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	622	Proposed Order re 615 MOTION in Limine <i>MLC'S Motion in Limine No. 3 to Exclude Derogatory Characterizations of Plaintiff or its Representatives [Proposed] Order Granting Plaintiff MLC Intellectual Property, LLC'S Motion in Limine No. 3 to Exclude Derogatory Characterizations of Plaintiff or Its Representatives</i> by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	623	Proposed Order re 614 MOTION in Limine <i>MLC'S Motion In Limine No. 5 to Exclude A Practicing the Prior Art Defense [Proposed] Order Granting Plaintiff MLC Intellectual Property, LLC'S Motion in Limine No. 5 to Exclude A Practicing The Prior Art Defense</i> by MLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	624	MOTION in Limine <i>No. 1 to Preclude Mention of PTO Challenges</i> filed by Micron Technology, Inc.. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Proposed Order)(Shartzter, Adam) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	625	MOTION in Limine <i>No. 2 to Preclude Mr. Epstein's Factual Testimony</i> filed by Micron Technology, Inc.. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Attachments: # 1 Proposed Order)(Shartzter, Adam) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	626	MOTION in Limine <i>No. 3 to Preclude Certain Irrelevant and Prejudicial Evidence</i> filed by Micron Technology, Inc.. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Proposed Order)(Shartzter, Adam) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	627	MOTION in Limine <i>No. 4 to Preclude Certain Aspects of Dr. Lee's Testimony</i> filed by Micron Technology, Inc.. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Attachments: # 1 Proposed Order)(Shartzter, Adam) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	628	MOTION in Limine <i>No. 5 to Preclude Certain Irrelevant, Prejudicial, & Improper Testimony</i> filed by Micron Technology, Inc.. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Attachments: # 1 Proposed Order)(Shartzter, Adam) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	629	Proposed Voir Dire by Micron Technology, Inc. . (Shartzter, Adam) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	630	

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		Proposed Form of Verdict by Micron Technology, Inc. . (Shartzter, Adam) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	631	MOTION in Limine <i>MLCS Motion in Limine Mo. 4 to Exclude Evidence and Argument that the Accused Products Practice, Embody Or Use Micron and/or Third-Party Patents, or Are Otherwise Licensed</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 7/16/2019 03:30 PM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/5/2019. Replies due by 7/12/2019. (Attachments: # 1 Declaration Rebecca Horton, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Proposed Order)(Marino, Fabio) (Filed on 6/21/2019) (Entered: 06/21/2019)
06/21/2019	632	Pretrial Conference Statement by MLC Intellectual Property, LLC and Micron Technology, Inc. <i>JOINT PRETRIAL STATEMENT</i> . (Attachments: # 1 Attachment A, # 2 Attachment B, # 3 Attachment C, # 4 Attachment D) (Marino, Fabio) (Filed on 6/21/2019) Modified on 6/24/2019 (amgS, COURT STAFF). (Entered: 06/21/2019)
06/21/2019	633	Proposed Jury Instructions by MLC Intellectual Property, LLC and Micron Technology, Inc <i>JOINT [PROPOSED] PRELIMINARY AND FINAL JURY INSTRUCTIONS</i> . (Marino, Fabio) (Filed on 6/21/2019) Modified on 6/24/2019 (amgS, COURT STAFF). (Entered: 06/21/2019)
06/24/2019	634	Transcript of Proceedings held on 6-14-2019, before Judge Susan Illston. Court Reporter Ana M. Dub, CSR No. 7445, RDR, CRR, telephone number 415-290-1651/ana_dub@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date, it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 610 Transcript Order) Release of Transcript Restriction set for 9/23/2019. (Related documents(s) 610) (amdS, COURT STAFF) (Filed on 6/24/2019) (Entered: 06/24/2019)
06/25/2019	635	NOTICE by MLC Intellectual Property, LLC <i>MLC's Notice of Recent Decision</i> (Attachments: # 1 Exhibit A)(Nguyen, Teri) (Filed on 6/25/2019) (Entered: 06/25/2019)
06/28/2019	636	ORDER GRANTING MICRON'S DAUBERT MOTION TO EXCLUDE EXPERT TESTIMONY OF RONALD EPSTEIN 448 . (Illston, Susan) (Filed on 6/28/2019) (Entered: 06/28/2019)
07/01/2019	637	MOTION to Strike 632 Pretrial Conference Statement, <i>Mr. Simon Fisher's Name from MLC's Trial Witness List</i> filed by Micron Technology, Inc.. Motion Hearing set for 8/9/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/15/2019. Replies due by 7/22/2019. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D)(Shartzter, Adam) (Filed on 7/1/2019) (Entered: 07/01/2019)
07/02/2019	638	

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		CLERK'S NOTICE. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> Pretrial Conference set for 7/16/2019 10:00 AM (instead of 3:30 p.m.) in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/02/2019		Set/Reset Deadlines as to 613 MOTION in Limine MLC'S Motion in Limine No. 1 to Preclude References to Prior Litigation Firm or Counsel, 614 MOTION in Limine MLC'S Motion In Limine No. 5 to Exclude A Practicing the Prior Art Defense, 615 MOTION in Limine MLC'S Motion in Limine No. 3 to Exclude Derogatory Characterizations of Plaintiff or its Representatives, 631 MOTION in Limine MLC'S Motion in Limine Mo. 4 to Exclude Evidence and Argument that the Accused Products Practice, Embody Or Use Micron and/or Third-Party Patents, or Are Otherwise Licensed, 617 MOTION in Limine MLC's Motion In Limine No. 2 to Preclude Arguments Regarding Claim Construction CORRECTION OF DOCKET 616 , 628 MOTION in Limine No. 5 to Preclude Certain Irrelevant, Prejudicial, & Improper Testimony, 625 MOTION in Limine No. 2 to Preclude Mr. Epstein's Factual Testimony, 624 MOTION in Limine No. 1 to Preclude Mention of PTO Challenges, 626 MOTION in Limine No. 3 to Preclude Certain Irrelevant and Prejudicial Evidence, 627 MOTION in Limine No. 4 to Preclude Certain Aspects of Dr. Lee's Testimony. Motion Hearing set for 7/16/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/02/2019	639	ORDER GRANTING IN PART AND DENYING IN PART AS MOOT MICRON'S DAMAGES MOTION IN LIMINE #1 444 . (Illston, Susan) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/02/2019	640	ORDER DENYING MLC'S THIRD DAUBERT MOTION TO EXCLUDE TESTIMONY OF JOSEPH MCALEXANDER 425 (Illston, Susan) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/02/2019	641	Exhibit List - Micron's Objections to MLC's Exhibits and Micron's Amended Exhibit List by Micron Technology, Inc... (Attachments: # 1 Exhibit A - Micron's Amended Exhibit List)(Shartzter, Adam) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/02/2019	642	Exhibit List MLC's Supplemental Exhibit List and Objections to Micron Exhibits by MLC Intellectual Property, LLC.. (Attachments: # 1 Attachment A, # 2 Attachment B)(Horton, Rebecca) (Filed on 7/2/2019) (Entered: 07/02/2019)
07/03/2019	643	ORDER GRANTING IN PART AND DENYING IN PART MLC'S SECOND DAUBERT MOTION RE: McALEXANDER 424 . (Illston, Susan) (Filed on 7/3/2019) (Entered: 07/03/2019)
07/03/2019	644	MOTION for leave to appear in Pro Hac Vice Lauren A. Degnan (Filing fee \$ 310, receipt number 0971-13491298.) Filing fee previously paid on 7/3/2019 filed by Micron Technology, Inc. (Attachments: # 1 Certificate of Good Standing)(Degnan, Lauren) (Filed on 7/3/2019) (Entered: 07/03/2019)

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07/03/2019	645	ORDER DENYING MICRON'S TECHNICAL DAUBERT MOTION RE: DR. LEE 427 . (Illston, Susan) (Filed on 7/3/2019) (Entered: 07/03/2019)
07/03/2019	646	ORDER by Judge Suan Illston granting 644 MOTION for leave to appear in Pro Hac Vice Lauren A. Degan.(tfS, COURT STAFF) (Filed on 7/3/2019) (Entered: 07/03/2019)
07/05/2019	647	OPPOSITION/RESPONSE (re 613 MOTION in Limine <i>MLC'S Motion in Limine No. 1 to Preclude References to Prior Litigation Firm or Counsel</i>) filed byMicron Technology, Inc.. (Attachments: # 1 Declaration of Timothy Riffe)(Shartzter, Adam) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	648	OPPOSITION/RESPONSE (re 617 MOTION in Limine <i>MLC's Motion In Limine No. 2 to Preclude Arguments Regarding Claim Construction CORRECTION OF DOCKET 616</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	649	OPPOSITION/RESPONSE (re 615 MOTION in Limine <i>MLC'S Motion in Limine No. 3 to Exclude Derogatory Characterizations of Plaintiff or its Representatives</i>) filed byMicron Technology, Inc.. (Attachments: # 1 Declaration of Michael Bollanco, # 2 Exhibit 1)(Shartzter, Adam) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	650	OPPOSITION/RESPONSE (re 631 MOTION in Limine <i>MLCS Motion in Limine Mo. 4 to Exclude Evidence and Argument that the Accused Products Practice, Embody Or Use Micron and/or Third-Party Patents, or Are Otherwise Licensed</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	651	OPPOSITION/RESPONSE (re 614 MOTION in Limine <i>MLC'S Motion In Limine No. 5 to Exclude A Practicing the Prior Art Defense</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	652	OPPOSITION/RESPONSE (re 624 MOTION in Limine <i>No. 1 to Preclude Mention of PTO Challenges</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Joshua Rayes, # 2 Exhibit A)(Marino, Fabio) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	653	OPPOSITION/RESPONSE (re 626 MOTION in Limine <i>No. 3 to Preclude Certain Irrelevant and Prejudicial Evidence</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Teri H.P. Nguyen, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E)(Marino, Fabio) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	654	OPPOSITION/RESPONSE (re 625 MOTION in Limine <i>No. 2 to Preclude Mr. Epstein's Factual Testimony</i>) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Rebecca B. Horton, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E)(Marino, Fabio) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	655	

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		OPPOSITION/RESPONSE (re 627 MOTION in Limine No. 4 to Preclude Certain Aspects of Dr. Lee's Testimony) filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	656	OPPOSITION/RESPONSE (re 628 MOTION in Limine No. 5 to Preclude Certain Irrelevant, Prejudicial, & Improper Testimony) filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Joshua Rayes, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D)(Marino, Fabio) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/05/2019	657	MOTION to Strike <i>Eli Harari as a Trial Witness on Undisclosed Subject Matters and Issues</i> filed by MLC Intellectual Property, LLC. Motion Hearing set for 8/9/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. Responses due by 7/19/2019. Replies due by 7/26/2019. (Attachments: # 1 Declaration Barrington Dyer, # 2 Proposed Order, # 3 Exhibit A, # 4 Exhibit B, # 5 Exhibit C, # 6 Exhibit D)(Marino, Fabio) (Filed on 7/5/2019) (Entered: 07/05/2019)
07/08/2019	658	ORDER GRANTING IN PART AND DENYING IN PART MLC'S FIRST DAUBERT MOTION TO EXCLUDE McALEXANDER 423 (Illston, Susan) (Filed on 7/8/2019) (Entered: 07/08/2019)
07/08/2019	659	CORRECTED ORDER GRANTING IN PART AND DENYING IN PART MLC'S FIRST DAUBERT MOTION TO EXCLUDE McALEXANDER (Illston, Susan) (Filed on 7/8/2019) (Entered: 07/08/2019)
07/08/2019	660	ORDER ORDER GRANTING IN PART AND DENYING IN PART MLC'S FIRST MOTION IN LIMINE RE: TESTIMONY OF McALEXANDER (Illston, Susan) (Filed on 7/8/2019) (Entered: 07/08/2019)
07/09/2019	661	ORDER SETTING SHORTENED BRIEFING SCHEDULES ON MICRON'S MOTION TO STRIKE SIMON FISHER AND MLC'S MOTION TO STRIKE ELI HARARI (Illston, Susan) (Filed on 7/9/2019) (Entered: 07/09/2019)
07/09/2019		Set/Reset Deadlines as to 637 MOTION to Strike 632 Pretrial Conference Statement, <i>Mr. Simon Fisher's Name from MLC's Trial Witness List</i> , 657 MOTION to Strike <i>Eli Harari as a Trial Witness on Undisclosed Subject Matters and Issues</i> . Responses due by 7/11/2019. Motion Hearing set for 7/16/2019 10:00 AM in San Francisco, Courtroom 01, 17th Floor before Judge Susan Illston. (tfS, COURT STAFF) (Filed on 7/9/2019) (Entered: 07/09/2019)
07/09/2019	662	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Telephone Settlement Conference held on 7/9/2019. (Not Reported) (Time 00:40.) Attorney for Plaintiff: Fabio Marino. Attorneys for Defendant: Tim Riffe and Andrew Schwentker. (This is a text-only entry generated by the court. There is no document associated with this entry.)

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		(ahm, COURT STAFF) (Date Filed: 7/9/2019) (Entered: 07/09/2019)
07/09/2019	663	NOTICE by MLC Intellectual Property, LLC re 653 Opposition/Response to Motion, <i>Notice of Errata Re: MLC Intellectual Property, LLC's Opposition to Micron Technology, Inc.'s Motion In Limine No. 3, DKT. 653</i> (Nguyen, Teri) (Filed on 7/9/2019) (Entered: 07/09/2019)
07/10/2019	664	Minute Entry for proceedings held before Magistrate Judge Jacqueline Scott Corley: Settlement Conference held on 7/10/2019. Case did not settle. No further facilitated discussions are contemplated. (Not Reported)(Time 4:30) Attorneys for Plaintiff: Fabio Marino; Russell Jones. Attorney for Defendant: Ruffin Cordell. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ahm, COURT STAFF) (Date Filed: 7/10/2019) (Entered: 07/10/2019)
07/11/2019	665	OPPOSITION/RESPONSE (re 657 MOTION to Strike <i>Eli Harari as a Trial Witness on Undisclosed Subject Matters and Issues</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Ellis Declaration, # 2 Exhibit 1)(Shartzter, Adam) (Filed on 7/11/2019) (Entered: 07/11/2019)
07/11/2019	666	OPPOSITION/RESPONSE (re 637 MOTION to Strike 632 Pretrial Conference Statement, <i>Mr. Simon Fisher's Name from MLC's Trial Witness List</i>) Plaintiff MLC Intellectual Property, LLC'S Opposition to Defendant Micron Technology, Inc.'s Motion to Strike <i>Mr. Simon Fisher's Name from MLC's Trial Witness List (Dkt. No. 632)</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Decl of Rebecca B. Horton ISO MLC's OPP to Micron's MTS Simon Fisher, # 2 Exhibit #1, # 3 Exhibit #2, # 4 Exhibit #3, # 5 Exhibit #4)(Marino, Fabio) (Filed on 7/11/2019) (Entered: 07/11/2019)
07/11/2019	667	NOTICE by Micron Technology, Inc. <i>Notice Pursuant to 35 U.S.C. 282</i> (Shartzter, Adam) (Filed on 7/11/2019) (Entered: 07/11/2019)
07/12/2019	668	ORDER GRANTING MICRON'S DAUBERT MOTION TO EXCLUDE EXPERT TESTIMONY OF MICHAEL MILANI 446 . (Illston, Susan) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	669	ORDER by Judge Susan Illston granting 595 Administrative Motion to File Under Seal. (tfS, COURT STAFF) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	670	REPLY (re 637 MOTION to Strike 632 Pretrial Conference Statement, <i>Mr. Simon Fisher's Name from MLC's Trial Witness List</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Ellis Declaration, # 2 Exhibit 1, # 3 Exhibit 2)(Shartzter, Adam) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	671	REPLY (re 657 MOTION to Strike <i>Eli Harari as a Trial Witness on Undisclosed Subject Matters and Issues</i>) MLC's Intellectual Property LLC's Reply to Defendant Micron Technology, Inc.'s Opposition to MLC's Motion to

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		<i>Strike Eli Harari as a Trial Witness on Undisclosed Subject Matters and Issues</i> filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	672	ORDER RE: MICRON'S MOTION TO STRIKE MILANI REPORT AND DENYING AS MOOT MLC'S DAMAGES-RELATED MOTION IN LIMINE RE: LIESEGANG finding as moot 450 Motion in Limine; granting in part and denying in part 452 Motion to Strike. (Illston, Susan) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	673	REPLY (re 613 MOTION in Limine <i>MLC'S Motion in Limine No. 1 to Preclude References to Prior Litigation Firm or Counsel</i>) Plaintiff MLC Intellectual Property, LLC's Reply In Support of Its Motion In Limine No. 1 filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Declaration of Joshua Rayes In Support of MLC Intellectual Property, LLC's Reply to Micron Technology, Inc.'s Opposition to MLC's Motion In Limine No. 1, # 2 Exhibit #2)(Marino, Fabio) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	674	REPLY (re 614 MOTION in Limine <i>MLC'S Motion In Limine No. 5 to Exclude A Practicing the Prior Art Defense</i>) Plaintiff MLC Intellectual Property, LLC's Reply In Support of It's Motion In Limine No. 5 filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	675	REPLY (re 624 MOTION in Limine <i>No. 1 to Preclude Mention of PTO Challenges</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	676	REPLY (re 625 MOTION in Limine <i>No. 2 to Preclude Mr. Epstein's Factual Testimony</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	677	REPLY (re 626 MOTION in Limine <i>No. 3 to Preclude Certain Irrelevant and Prejudicial Evidence</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	678	REPLY (re 627 MOTION in Limine <i>No. 4 to Preclude Certain Aspects of Dr. Lee's Testimony</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	679	REPLY (re 628 MOTION in Limine <i>No. 5 to Preclude Certain Irrelevant, Prejudicial, & Improper Testimony</i>) filed byMicron Technology, Inc.. (Shartzter, Adam) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	680	REPLY (re 617 MOTION in Limine <i>MLC's Motion In Limine No. 2 to Preclude Arguments Regarding Claim Construction CORRECTION OF DOCKET 616</i>) Plaintiff MLC Intellectual Property, LLC's Reply In Support of It's Motion In Limine No. 2 filed byMLC Intellectual Property, LLC. (Attachments: # 1 Declaration Declaration of Joshua Rayes In Support of MLC Intellectual Property, LLC's Reply to Micron Technology, Inc.'s Opposition To MLC's Motion In Limine No. 2, # 2 Exhibit #1, # 3 Exhibit #2, # 4 Exhibit #3, # 5 Exhibit #4)(Marino, Fabio) (Filed on 7/12/2019) (Entered: 07/12/2019)

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07/12/2019	681	REPLY (re 631 MOTION in Limine <i>MLCS Motion in Limine Mo. 4 to Exclude Evidence and Argument that the Accused Products Practice, Embody Or Use Micron and/or Third-Party Patents, or Are Otherwise Licensed</i>) Plaintiff MLC's Intellectual Property, LLC's Reply In Support of It's Motion In Limine No. 4 to Exclude Evidence and Argument That The Accused Products Practice, Embody or Use Micron and/ Or Third-Party Patents, Or Are Otherwise Licensed filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/12/2019	682	REPLY (re 615 MOTION in Limine <i>MLC'S Motion in Limine No. 3 to Exclude Derogatory Characterizations of Plaintiff or its Representatives</i>) Plaintiff MLC Intellectual Property, LLC's Reply In Support Of Its Motion In Limine No. 3 to Exclude Derogatory Characterizations of Plaintiff Or Its Representatives filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 7/12/2019) (Entered: 07/12/2019)
07/16/2019	683	TRANSCRIPT ORDER for proceedings held on 07/16/19 before Judge Susan Illston by MLC Intellectual Property, LLC, for Court Reporter Debra Pas. (Marino, Fabio) (Filed on 7/16/2019) (Entered: 07/16/2019)
07/16/2019	684	Minute Entry for proceedings held before Judge Susan Illston: Pretrial Conference held on 7/16/2019. The Court will select 8 trial jurors and each side with have 4 peremptory challenges. The trial will be 10 days. By noon on 7/18/19, counsel shall report to the Court on how they wish to proceed with the liability phase of the trial. Total Time in Court: 1 hour. Court Reporter: Debra Pas. (tfS, COURT STAFF) (Date Filed: 7/16/2019) (Entered: 07/16/2019)
07/17/2019	685	TRANSCRIPT ORDER for proceedings held on 07/16/2019 before Judge Susan Illston by Micron Technology, Inc., for Court Reporter Debra Pas. (Riffe, Timothy) (Filed on 7/17/2019) (Entered: 07/17/2019)
07/18/2019	686	Transcript of Proceedings held on 7-16-2019, before Judge Susan Illston. Court Reporter/Transcriber Debra L. Pas, CRR, telephone number (415) 431-1477/Email: Debra_Pas@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re 683 Transcript Order, 685 Transcript Order) Release of Transcript Restriction set for 10/16/2019. (Related documents(s) 683 , 685) (pasdl50S, COURT STAFF) (Filed on 7/18/2019) (Entered: 07/18/2019)
07/18/2019	687	Letter from Fabio E. Marino and Ruffin B. Cordell . (Marino, Fabio) (Filed on 7/18/2019) (Entered: 07/18/2019)
07/18/2019	688	ORDER ON MOTIONS IN LIMINE AND OTHER PRETRIAL MOTIONS granting 613 Motion in Limine; denying 614 Motion in Limine; granting 615 Motion in Limine; granting 617 Motion in Limine; granting 624 Motion in Limine; granting in part and denying in part 625

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		Motion in Limine; granting in part and denying in part 626 Motion in Limine; denying 627 Motion in Limine; denying 631 Motion in Limine; granting 637 Motion to Strike ; denying 657 Motion to Strike. (Illston, Susan) (Filed on 7/18/2019) Modified on 7/19/2019 (ahm, COURT STAFF). (Entered: 07/18/2019)
07/18/2019	689	ORDER RE: DAMAGE PROCEEDINGS (Illston, Susan) (Filed on 7/18/2019) (Entered: 07/18/2019)
07/18/2019		Trial Vacated (tfS, COURT STAFF) (Filed on 7/18/2019) (Entered: 07/18/2019)
07/18/2019		Set/Reset Deadlines. Micron to file motion 7/24/19, MLC reponse to reply 8/6/17. (tfS, COURT STAFF) (Filed on 7/18/2019) (Entered: 07/18/2019)
07/19/2019		Set/Reset Deadlines. Micron to file motion by 7/24/19, opposition due 8/2/19, reply due 8/6/19. (tfS, COURT STAFF) (Filed on 7/19/2019) (Entered: 07/19/2019)
07/24/2019	690	MOTION for Summary Judgment <i>for MLC's Failure to Prove Remedy</i> filed by Micron Technology, Inc.. Responses due by 8/7/2019. Replies due by 8/14/2019. (Cordell, Ruffin) (Filed on 7/24/2019) (Entered: 07/24/2019)
07/31/2019	691	MOTION to Relate Case <i>Pursuant to Civil Local Rule 3-12 (UNOPPOSED)</i> filed by Micron Technology, Inc.. (Attachments: # 1 Proposed Order)(Shartzter, Adam) (Filed on 7/31/2019) (Entered: 07/31/2019)
08/02/2019	692	OPPOSITION/RESPONSE (re 690 MOTION for Summary Judgment <i>for MLC's Failure to Prove Remedy</i>) filed byMLC Intellectual Property, LLC. (Marino, Fabio) (Filed on 8/2/2019) (Entered: 08/02/2019)
08/02/2019	693	Declaration of Fabio E. Marino in Support of 692 Opposition/Response to Motion filed byMLC Intellectual Property, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 *** EXHIBIT FILED IN ERROR WITH CONFIDENTIAL INFORMATION. DOCUMENT LOCKED. DOCUMENT TO BE REFILED LATER. *** Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Declaration Jack Lee, Ph.D.)(Related document(s) 692) (Marino, Fabio) (Filed on 8/2/2019) Modified on 8/5/2019 (fff, COURT STAFF). (Entered: 08/02/2019)
08/02/2019	694	Administrative Motion to File Under Seal <i>Exhibits 1, 9, 14, 18, and 24 to MLC's Opposition to Micron's Motion for Summary Judgment</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Declaration Joshua L. Rayes, # 2 Proposed Order, # 3 Exhibit UNREDACTED Version of Exhibit 1, # 4 Exhibit REDACTED Version of Exhibit 1, # 5 Exhibit UNREDACTED Version of Exhibit 9, # 6 Exhibit REDACTED Version of Exhibit 9, # 7 Exhibit UNREDACTED Version of Exhibit 14, # 8 Exhibit REDACTED Version of Exhibit 14, # 9 Exhibit UNREDACTED Version of Exhibit 18, # 10 *** SEE

ADD92

		CORRECTED FILING AT 695 *** Exhibit UNREDACTED Version of Exhibit 24, # 11 Exhibit REDACTED Version of Exhibit 24)(Marino, Fabio) (Filed on 8/2/2019) Modified on 8/5/2019 (amgS, COURT STAFF). (Entered: 08/02/2019)
08/03/2019	695	Administrative Motion to File Under Seal <i>Exhibits 1, 9, 14, 18, and 24 to MLC's Opposition to Micron's Motion for Summary Judgment, CORRECTED Ex. 24 w/yellow highlighting, Dkt. 694-10</i> filed by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit CORRECTED UNREDACTED Version of Exhibit 24 w/yellow highlighting)(Marino, Fabio) (Filed on 8/3/2019) (Entered: 08/03/2019)
08/05/2019	696	ERRATA Notice of Errata Re: Plaintiff MLC Intellectual Property, LLC's Redacted and Unredacted Versions of MLC's Exhibit 9 to MLC's Opposition to Defendant Micron Technology, Inc.'s Motion for Summary Judgment Dkt. NOS. 693-9 and 694-6 [CORRECTION of DOCKET #'s 693-9 and 694-6] by MLC Intellectual Property, LLC. (Attachments: # 1 Exhibit 9)(Rayes, Joshua) (Filed on 8/5/2019) (Entered: 08/05/2019)
08/06/2019	697	OPPOSITION/RESPONSE (re 695 Administrative Motion to File Under Seal <i>Exhibits 1, 9, 14, 18, and 24 to MLC's Opposition to Micron's Motion for Summary Judgment, CORRECTED Ex. 24 w/yellow highlighting, Dkt. 694-10, 694 Administrative Motion to File Under Seal Exhibits 1, 9, 14, 18, and 24 to MLC's Opposition to Micron's Motion for Summary Judgment</i>) filed by Micron Technology, Inc.. (Attachments: # 1 Declaration)(Ellis, Michael) (Filed on 8/6/2019) (Entered: 08/06/2019)
08/06/2019	698	REPLY (re 690 MOTION for Summary Judgment <i>for MLC's Failure to Prove Remedy</i>) filed by Micron Technology, Inc.. (Cordell, Ruffin) (Filed on 8/6/2019) (Entered: 08/06/2019)
08/08/2019	699	ORDER by Judge Susan Illston granting 691 Motion to Relate Case to 19-CV-3345 JD. (tfS, COURT STAFF) (Filed on 8/8/2019) Modified on 8/8/2019 (tfS, COURT STAFF). (Entered: 08/08/2019)
08/08/2019	700	ORDER RELATING CASE TO 19-cv-3345 JD. Signed by Judge Susan Illston on 8/7/19. (tfS, COURT STAFF) (Filed on 8/8/2019) (Entered: 08/08/2019)
08/12/2019	701	ORDER UNRELATING CASES AND ORDER OF RECUSAL (Illston, Susan) (Filed on 8/12/2019) (Entered: 08/12/2019)
08/26/2019	702	NOTICE by MLC Intellectual Property, LLC <i>Suggestion Re the Court's Recusal</i> (Marino, Fabio) (Filed on 8/26/2019) (Entered: 08/26/2019)
09/05/2019	703	ORDER DIRECTING MICRON TO FILE A RESPONSE TO MLC'S "SUGGESTION REGARDING THE COURTS RECUSAL" (Illston, Susan) (Filed on 9/5/2019) (Entered: 09/05/2019)
09/10/2019	704	RESPONSE re 703 Order <i>Micron's Response to MLC's "Suggestion Regarding the Court's Recusal"</i> by Micron Technology, Inc.. (Riffe, Timothy) (Filed on 9/10/2019) (Entered: 09/10/2019)
09/11/2019	705	

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		ORDER OF REFERRAL (Illston, Susan) (Filed on 9/11/2019) (Entered: 09/11/2019)
09/17/2019	706	ORDER OF REFERRAL FOR SUGGESTION OF RECUSAL re 705 ORDER OF REFERRAL. Signed by Kathleen Shambaugh for Susan Y. Soong, Clerk of Court on September 17, 2019. (wsnS, COURT STAFF) (Filed on 9/17/2019) (Entered: 09/17/2019)
09/17/2019	707	REPLY PLAINTIFF MLC INTELLECTUAL PROPERTY, LLC'S REPLY TO MICRONS RESPONSE TO MLCS SUGGESTION REGARDING THE COURTS RECUSAL by MLC Intellectual Property, LLC. (Rayes, Joshua) (Filed on 9/17/2019) Modified on 9/18/2019 (amgS, COURT STAFF). (Entered: 09/17/2019)
09/20/2019	708	RESPONSE re 707 Response (Non Motion) <i>Micron's Opposition to MLC's Motion For Leave to File a Reply Regarding Recusal</i> by Micron Technology, Inc.. (Attachments: # 1 Declaration, # 2 Exhibit 1, # 3 Exhibit 2)(Shartzer, Adam) (Filed on 9/20/2019) (Entered: 09/20/2019)
10/15/2019	709	ORDER RE REFERRAL (re 705). Signed by Judge Alsup on 10/15/2019. (whalc2, COURT STAFF) (Filed on 10/15/2019) (Entered: 10/15/2019)
10/17/2019	710	ORDER DENYING MLC'S "SUGGESTION REGARDING THE COURT'S RECUSAL" (Illston, Susan) (Filed on 10/17/2019) (Entered: 10/17/2019)
10/17/2019	711	ORDER CERTIFYING DAMAGES ORDERS FOR INTERLOCUTORY APPEAL; DENYING MICRON'S MOTION FOR SUMMARY JUDGMENT BASED ON MLC'S FAILURE TO PROVE REMEDY; STRIKING AS IMPROPER MLC'S OPPOSITION BRIEF AND ADMINISTRATIVE MOTIONS AND DECLARATIONS FILED IN SUPPORT (DKT. NOS. 692-696); DENYING ALL OTHER PENDING MOTIONS AS MOOT 456 519 690 694 695 . (Illston, Susan) (Filed on 10/17/2019) (Entered: 10/17/2019)

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**ORDER CERTIFYING
DAMAGES ORDERS FOR
INTERLOCUTORY APPEAL**

**DATED OCTOBER 17, 2019
(DKT 711)**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. [14-cv-03657-SI](#)

**ORDER CERTIFYING DAMAGES
ORDERS FOR INTERLOCUTORY
APPEAL; DENYING MICRON'S
MOTION FOR SUMMARY
JUDGMENT BASED ON MLC'S
FAILURE TO PROVE REMEDY;
STRIKING AS IMPROPER MLC'S
OPPOSITION BRIEF AND
ADMINISTRATIVE MOTIONS AND
DECLARATIONS FILED IN SUPPORT
(DKT. NOS. 692-696); DENYING ALL
OTHER PENDING MOTIONS AS
MOOT**

Re: Dkt. Nos. 456, 519, 690, 694, 695, 696

This order resolves all pending motions in this case. For the reasons set forth below, the Court concludes that the proper and most efficient disposition of this case is to adopt the parties' initial joint proposal to certify three damages orders for interlocutory appeal. The Court also concludes that summary judgment of no remedy is not appropriate, and accordingly DENIES defendant's motion for summary judgment of no remedy. The Court also finds that plaintiff's "opposition" to defendant's motion for summary judgment is a disguised and improper motion for reconsideration that, *inter alia*, seeks to expand the record through new evidence and arguments, and accordingly the Court STRIKES plaintiff's opposition papers (Dkt. Nos. 692-696). The Court DENIES all other pending motions as moot.

BACKGROUND

On August 12, 2014, MLC Intellectual Property, Inc. ("MLC") filed this lawsuit against

1 Micron Technology, Inc. (“Micron”), alleging infringement of U.S. Patent No. 5,764,571 (the ‘571
2 Patent). The ‘571 Patent expired on June 9, 2015. The docket reflects that this case has been
3 extensively litigated, including two rounds of claim construction, numerous discovery disputes,
4 multiple rounds of summary judgment motions, and many other pretrial motions. The Court also
5 stayed this case twice due to an *inter partes* review and an *ex parte* reexamination.¹

6 In a pretrial order filed July 23, 2018, the Court set various fact and expert discovery
7 deadlines as well as a schedule for *Daubert* motions, motions in limine, and a final pretrial hearing
8 date of July 23, 2019 and a trial date of August 5, 2019. Dkt. No. 183.²

9 In April and May of 2019, the parties filed *Daubert* motions, “technical” motions in limine,
10 and damages-related motions in limine. Three of these motions are relevant to this order: Micron’s
11 *Daubert* Motion to Exclude Expert Testimony and Opinions of Michael Milani (Dkt. No. 443-4);
12 Micron’s Damages Motion in Limine #1 (Dkt. No. 444); and Micron’s Motion to Strike Portions of
13 the Milani Expert Report (Dkt. No. 443-7). The docket reflects that the briefing on those motions
14 was voluminous, including numerous exhibits filed by both parties. *See* Dkt. Nos. 442-444, 446,
15 452, 465, 492, 497-500, 502-503, 513, 524, 540, 542, & 544. The Court held a lengthy hearing on
16 these and other motions on June 6, 2019. Dkt. No. 591 (minute entry); Dkt. No. 612 (Tr. of June 6,
17 2019 hearing).

18 In an order filed July 2, 2019, the Court granted in part Micron’s damages motion in limine
19 #1. Dkt. No. 639. The Court held that MLC’s damages expert, Michael Milani, could not opine
20 that certain licenses (the Hynix and Toshiba licenses) “reflected” a particular royalty rate when those
21 lump sum licenses did not contain a particular royalty rate or any discussion of how the lump sums
22 were derived, and where MLC had failed to disclose in discovery all of the evidence that Milani

23
24 ¹ On March 12, 2019, Micron sought a third stay of this case due to the institution of a
25 second *ex parte* reexamination. Dkt. No. 359. In an order filed April 1, 2019, the Court denied
26 Micron’s request for a stay, finding that a third stay would not promote judicial economy and would
be prejudicial to MLC. To the Court’s knowledge, this second *ex parte* reexamination is currently
pending.

27 ² Some of these dates were later adjusted slightly to accommodate the parties’ and the
28 Court’s calendar. The final pretrial conference was rescheduled to July 16, and trial was rescheduled
to August 12, 2019.

relied on in support of his opinion that the licenses contained such a royalty rate. *Id.* On July 12, 2019, the Court granted Micron’s *Daubert* motion to exclude the expert testimony of Mr. Milani. Dkt. No. 668. The Court held that Milani’s reasonable royalty opinion was unreliable because, in addition to the issues regarding the royalty rate as set forth in the July 2, 2019 order, Milani failed to apportion the royalty base to reflect only the revenue attributable to the patented technology. *Id.* On July 12, 2019, the Court issued an order granting in part Micron’s motion to strike portions of the Milani Expert Report for the same reasons set forth in the July 2, 2019 order, namely MLC’s failure to disclose damages evidence during discovery. Dkt. No. 672.³ This order refers to the July 2 and July 12 orders as the “Damages Orders.”

On July 16, 2019, the Court held the final pretrial conference in this case. *See generally* Dkt. No. 686 (July 16, 2019 Tr.). During the conference, counsel informed the Court that they wished to discuss the impact of the Court’s Damages Orders on the upcoming trial and whether a trial was necessary. MLC’s counsel stated, *inter alia*, that “it definitely does sound like you’ve excluded both of our damages experts. So it would certainly be difficult to put in a damages case that would satisfy the Court’s requirements on damages.” *Id.* at 13:1-4. MLC’s counsel requested leave to present another damages report “or at least a disclosure of a damages theory,” which the Court denied. *Id.* at 21:5-6. The parties discussed the fact that because the patent is expired, MLC is not seeking injunctive relief, and thus a trial would focus solely on liability. *Id.* at 17:23-18:4. MLC’s counsel also stated, “I think we’re all in agreement that if we don’t have to do a trial because the Court has decided that the damages issue has basically been disposed of, that would be desirable.” *Id.* at 16:8-10.

Counsel discussed several proposals for the remainder of the case, including interlocutory appeal of the Damages Orders, bifurcation of liability and damages phases for trial (with the entry of judgment as a matter of law on damages if MLC prevailed at the liability phase), and summary

³ In addition, on June 28, 2019, the Court granted Micron’s *Daubert* motion to exclude the expert testimony of Ronald Epstein, MLC’s former licensing counsel and proposed expert on licensing and damages. Dkt. No. 636. Although Mr. Epstein was, at least in part, MLC’s expert witness on damages, MLC did not request that the Court certify the June 28, 2019 order for interlocutory appeal.

judgment based on MLC's inability to prove damages. *Id.* at 11:11-19:1; 19:19-20:11; 23:6-30:14. The Court stated its belief that the exclusion of a plaintiff's damages expert did not necessarily preclude a damages verdict where a plaintiff had other evidence in support of damages. *Id.* at 23:18-24:2. At the conclusion of the hearing, the Court informed the parties that the Court was prepared to go ahead with the trial, but the Court was also "mindful of how expensive trials are. They are time consuming for courts. They are wildly expensive for clients. And to do one for no purpose at all seems to me not a good use of anybody's funds." *Id.* at 30:16-23. The Court instructed the parties file a letter by July 18, 2019, setting forth the parties' proposals regarding how to proceed with the remainder of the case. *Id.* at 35:2-11.

On July 18, 2019, the parties filed a joint letter setting forth two alternate proposals for the remainder of the case. Dkt. No. 687. The letter stated, "in light of the Court's recent Orders, as well as the Court's denial of MLC's oral request at the pre-trial conference for the opportunity to submit a supplemental damages report consistent with the Court's opinions (Dkt. 686, July 16, 2019 Tr. at 21:3-8)," the parties proposed that the Court stay the trial and certify for interlocutory appeal the Order Granting Micron's *Daubert* Motion to Exclude Expert Testimony of Michael Milani (Dkt. No. 668); the Order Granting in Part and Denying in Part as Moot Micron's Damages Motion in Limine No. 1 (Dkt. No. 639); and the Order Regarding Micron's Motion to Strike the Milani Report (Dkt. No. 672). Alternatively, if the Court was not inclined to certify orders for interlocutory appeal, Micron requested leave of Court to file a "short motion for summary judgment regarding the lack of a sufficient evidentiary basis for a remedy in this case," which, if granted, would "conclusively resolve all claims to prepare the case for appeal to the Federal Circuit, where MLC could test its challenges to the Court's [D]amages [O]rders." *Id.* at 2.

The same day, the Court issued an Order re: Damage Proceedings. Dkt. No. 689. The Court stated that it preferred to consider Micron's summary judgment proposal first, and the Court set a briefing schedule for that motion and stayed the August 12 trial. *Id.* In a separate order filed July 18, 2019, the Court ruled on the additional motions in limine and motions to strike that were argued at the pretrial conference. Dkt. No. 688.

On July 24, 2019, Micron filed a "Motion for Summary Judgment for MLC's Failure to Prove Remedy." Dkt. No. 690. On August 2 and 3, 2019, MLC filed: (1) an "opposition," (2) two

administrative motions to file exhibits under seal,⁴ (3) the declaration of MLC's counsel, Mr. Marino, with 29 exhibits attached; and (4) a nine-page declaration dated August 2, 2019, from MLC's technical expert, Dr. Jack Lee. Dkt. Nos. 692-695. Micron filed its reply brief on August 6, 2019. Dkt. No. 698. Micron also filed an opposition to MLC's administrative motions to seal. Dkt. No. 697.⁵

DISCUSSION

I. Micron's Motion for Summary Judgment and Certification under 28 U.S.C. § 1292(b)

Defendant Micron has moved for summary judgment on the ground that MLC cannot prove damages and thus that its liability claims, which only seek damages, are moot. Micron asserts that as a result of this Court's *Daubert* orders excluding MLC's damages experts, Michael Milani and Ronald Epstein, as well as other pretrial orders excluding certain evidence and trial witnesses, MLC does not have any admissible evidence to show an entitlement to a reasonable royalty. Micron argues that MLC based its damages case entirely on expert testimony that the Court has excluded, and Micron notes that as recently as the filing of the parties' joint pretrial conference statement, MLC identified its experts, Messrs. Milani and Epstein, as the only witnesses who would provide damages testimony. Micron argues that because the burden of proving damages lies with the patentee, a court may enter summary judgment when a patentee puts forth no evidence to prove damages.

In support of this assertion, Micron cites pre-2014 unpublished district court cases and

⁴ In an order filed June 3, 2019, the Court informed the parties that no further administrative motions to seal would be accepted in this case. *See* Dkt. No. 586. Despite that order, MLC seeks to file under seal five exhibits in support of its opposition. MLC filed two administrative motions to seal those exhibits because the first motion, in addition to violating the Court's order, was filed incorrectly in that it did not comply with the Local Rules governing under seal filings.

⁵ On August 26, 2019, MLC filed a "Suggestion Regarding the Court's Recusal." Dkt. No. 702. The Court initially referred the matter to the Clerk for random reassignment to another district court judge. Dkt. No. 706. Based on the fact that MLC had filed a "Suggestion" and not an actual motion for disqualification, Judge Alsup referred the matter back to the undersigned. In an order filed October 17, 2019, this Court denied MLC's "Suggestion."

several Federal Circuit opinions, the most recent of which is *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286 (Fed. Cir. 2014). In *Apple*, the district court⁶ excluded the majority of Apple’s damages expert testimony. *Id.* at 1237. Motorola moved for summary judgment that, even assuming the patent was infringed, Apple was not entitled to any damages, including a nominal reasonable royalty. *Id.* The district court “concluded that Apple was not entitled to any measure of damages because Apple had failed to show that its measure of damages was correct,” and the court granted summary judgment in favor of Motorola. *Id.* The Federal Circuit reversed, holding that at summary judgment “a judge may award a zero royalty for infringement if there is no genuine issue of material fact that zero is the only reasonable royalty.” *Id.* at 1328. The Federal Circuit noted that “[i]f a patentee’s evidence fails to support its specific royalty estimate, the fact finder is still required to determine what royalty is supported by the record.” *Id.*; *see also id.* at 1329-30 (discussing Motorola’s failure to meet burden to show that “the record is uncontroverted that zero is the only royalty”).

MLC’s “opposition” does not respond to any of the arguments presented by Micron in its motion for summary judgment. MLC does not address *Apple v. Motorola* or any of the other authority upon which Micron relies in support of its contention that the Court may enter summary judgment of no remedy. In addition, MLC does not argue that there is any remaining admissible evidence that it can present at trial to prove damages. MLC does not argue, for example, that there are percipient witnesses who can provide testimony and evidence in support of a reasonable royalty, nor does MLC assert that it can rely on Micron’s rebuttal damages expert.⁷ Instead, MLC’s opposition argues that Mr. Milani’s damages analysis is sound and that the Court erred in finding that MLC did not disclose some (but not all) of the damages evidence in discovery. Thus, although MLC’s filing is titled “Opposition,” in actuality the filing is a disguised motion for reconsideration of the Court’s *Daubert* order excluding Mr. Milani as well as the other Damages Orders.⁸

⁶ Circuit Judge Posner sat by designation on the district court and authored the district court opinion.

⁷ Micron has represented that because MLC’s damages experts have been excluded, it would not call its damages expert (Paul Meyer) at trial, and Micron notes that MLC did not list Mr. Meyer on its trial witness list.

⁸ The Court addresses the impropriety of MLC’s summary judgment opposition filings *infra*.

Notwithstanding MLC's complete failure to address Micron's arguments, the Court concludes that the more prudent course is to certify the Damages Orders for interlocutory appeal and to deny summary judgment. The district court cases upon which Micron relies predate *Apple v. Motorola*, and there is no Federal Circuit authority directly addressing a situation like the instant case in which the court has excluded all of the plaintiff's expert evidence. Although *Apple v. Motorola* is not directly on point, the Federal Circuit emphasized that a district court can only grant summary judgment of no damages if "the record is uncontroverted that zero is the only reasonable royalty." *Id.* at 1329. Assuming infringement, the Court cannot conclude that it is undisputed that zero is the only reasonable royalty. Accordingly, the Court DENIES Micron's motion for summary judgment of no remedy.

However, the Court does find that the criteria for certification of interlocutory appeal have been met.⁹ 28 U.S.C. § 1292(b) permits a district court to certify an order for interlocutory appellate review where the order involves (1) "a controlling question of law;" (2) "as to which there is substantial ground for difference of opinion;" and (3) where "an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b). Certification under § 1292(b) requires the district court to expressly find in writing that all three § 1292(b) requirements are met. *See In re Cement Antitrust Litig.*, 673 F.2d 1020, 1026 (9th Cir. 1981). Section 1292(b) is "to be used only in exceptional situations in which allowing an interlocutory appeal would avoid protracted and expensive litigation." *Id.* at 1026.

The Court finds that these criteria are met. In the Damages Orders, the Court excluded Mr. Milani's damages opinion under *Daubert* because the Court concluded that his comparative license analysis did not comport with Federal Circuit jurisprudence. These deficiencies included, *inter alia*, Mr. Milani's failure to apportion the revenue base to include only the revenue attributable to the patented technology and Mr. Milani's calculation of a royalty rate that was not supported by the evidence. In addition, the Court held that MLC had failed to disclose the factual underpinnings of

⁹ Although the parties had proposed full briefing on the certification issue, the Court finds that this is unnecessary. The parties jointly agree that certification is appropriate, and they agree about which orders should be certified. Under these circumstances, full briefing on the matter is not in the interest of judicial economy.

its reasonable royalty claim in discovery, and excluded much of Mr. Milani's opinion on that ground. MLC asserts that it was not required to disclose those facts because the determination of a reasonable royalty is the province of expert opinion. All of these questions are controlling questions of law as to which there is substantial ground for difference of opinion. Further, interlocutory review of the Damages Orders will materially advance the ultimate termination of this litigation. Absent interlocutory review, the parties and the Court will be required to proceed with an expensive trial focused solely on liability, as MLC concedes that it has no damages case to present at trial. Interlocutory review of the Damages Orders will result in either the ultimate conclusion of this case (if the Federal Circuit affirms) or a single trial on liability and damages (in the event of reversal); either way, interlocutory review is in the interest of judicial economy and will save the parties a considerable amount of time and expense.

Accordingly, pursuant to 28 U.S.C. § 1292(b) the Court certifies the Damages Orders for interlocutory appeal.

II. MLC's Opposition Filings are Improper

The Court now turns to the substance of MLC's opposition filings (Dkt. Nos. 692-696) and explains why the Court STRIKES these filings from the record. As noted *supra*, MLC's opposition does not address the questions presented by Micron's motion, specifically whether the Court could enter summary judgment of no remedy and whether MLC had any admissible evidence in support of damages. Instead, MLC's opposition argues (1) that Mr. Milani's opinions are not inadmissible under *Daubert*; and (2) that MLC did, in fact, disclose some of the evidence that the Court found MLC had failed to disclose in discovery. In making these arguments, MLC relies on, *inter alia*, (1) a new declaration from its technical expert, Dr. Lee, which sets forth new opinions about Micron's technology as it relates to apportionment and the revenue base; (2) some exhibits that MLC did not previously submit in connection with the motion practice resulting in the Damages Orders; and (3) a declaration from MLC's counsel, Mr. Marino, in which he makes assertions for the first time about MLC's discovery disclosures. Further, as noted *supra*, MLC seeks to file some exhibits under seal, notwithstanding the Court's prior order informing the parties that no further administrative motions

1 to seal would be accepted.

2 MLC's opposition filings are improper for numerous reasons. MLC's opposition filings are
3 in essence a disguised motion for reconsideration of the Damages Orders. MLC did not comply
4 with Civil Local Rule 7-9, which governs motions for reconsideration. That rule provides, in
5 relevant part,

6 **7-9. Motion for Reconsideration**

7 **(a) Leave of Court Requirement.** Before the entry of a judgment adjudicating all
8 of the claims and the rights and liabilities of all the parties in a case, any party may
9 make a motion before a Judge requesting that the Judge grant the party leave to file
10 a motion for reconsideration of any interlocutory order on any ground set forth in
11 Civil L.R. 7-9 (b). No party may notice a motion for reconsideration without first
12 obtaining leave of Court to file the motion.

13 **(b) Form and Content of Motion for Leave.** A motion for leave to file a motion
14 for reconsideration must be made in accordance with the requirements of Civil L.R.
15 7-9. The moving party must specifically show reasonable diligence in bringing the
16 motion, and one of the following:

17 **(1)** That at the time of the motion for leave, a material difference in fact or
18 law exists from that which was presented to the Court before entry of the
19 interlocutory order for which reconsideration is sought. The party also must show
20 that in the exercise of reasonable diligence the party applying for reconsideration did
21 not know such fact or law at the time of the interlocutory order; or

22 **(2)** The emergence of new material facts or a change of law occurring after
23 the time of such order; or

24 **(3)** A manifest failure by the Court to consider material facts or dispositive
25 legal arguments which were presented to the Court before such interlocutory order.

26 **(c) Prohibition Against Repetition of Argument.** No motion for leave to file a
27 motion for reconsideration may repeat any oral or written argument made by the
28 applying party in support of or in opposition to the interlocutory order which the
party now seeks to have reconsidered. Any party who violates this restriction shall
be subject to appropriate sanctions.

N.D. Cal. Civ. Local Rule 7-9.

MLC's filings do not comply with any provision of this rule. First, MLC did not actually
file a motion requesting leave to file a motion for reconsideration; instead, MLC simply filed an
"opposition" that effectively seeks reconsideration of the Court's orders.

Second, MLC did not show "reasonable diligence" in seeking reconsideration. The Court
filed the orders at issue on June 28, July 2 and July 12, 2019. The Court held a pretrial conference
on July 16, during which there was an extended discussion about the consequence of the Court's

orders and how this case should be resolved. During the hearing MLC’s lawyers never stated that they wished to seek reconsideration of the Court’s Damages Orders. Indeed, in the letter the parties filed on July 18, 2019, the parties jointly proposed that MLC could file a motion for interlocutory certification of the Damages Orders, and alternatively Micron proposed that it could file a “short motion for summary judgment regarding the lack of a sufficient evidentiary basis for a remedy in this case.” Dkt. No. 687. At no time prior to the filing of the “opposition” did MLC indicate that it would be seeking reconsideration, and a disguised motion for reconsideration filed *after* the final pretrial conference is not “reasonably diligent.”

Third, even if construed as a motion for leave to file a motion for reconsideration, MLC has not demonstrated that reconsideration is warranted. MLC’s opposition does not demonstrate any of the grounds for reconsideration: (1) “[t]hat at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order”; or (2) “[t]he emergence of new material facts or a change of law occurring after the time of such order”; or (3) “[a]” manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.” N.D. Cal. Civ. Local Rule 7-9(b)(1)-(3). Instead, MLC’s opposition to a large extent (with certain exceptions, noted *infra*) violates the prohibition on “repetition of argument” by raising many of the same arguments that MLC presented in opposition to Micron’s pretrial motions.

Fourth, MLC raises several new arguments and/or provides evidence that is either entirely new (such as Dr. Lee’s August 2, 2019 declaration) or evidence that was not previously submitted in connection with the litigation on the *Daubert* motions and motions in limine (such as Exhibit 2 to the Marino Declaration, Dkt. No. 693-2).¹⁰ It appears to the Court that this is an effort by MLC to improperly expand the record for appeal. MLC has submitted a new nine-page declaration from

¹⁰ Based upon the Court’s review of the docket, it does not appear that MLC ever submitted Exhibit 2 (April 10, 2007 emails between Simon Fisher and Hynix employees) in connection with the prior briefing. There may be other exhibits attached to Mr. Marino’s declaration that MLC did not previously submit.

its technical expert, Jack Lee, in which Dr. Lee addresses, *inter alia*, whether Micron’s bare die incorporates various non-patented features. Dkt. No. 693-30 (August 2, 2019 Lee Declaration). MLC relies on this new declaration to argue that Mr. Milani properly apportioned the revenue base because the bare die either does not incorporate various non-patented technologies or because the technologies do not exist independently of the patented invention. MLC never raised any of these arguments in opposition to Micron’s *Daubert* motion, despite the fact that Micron’s *Daubert* motion directly criticized Mr. Milani’s analysis on the ground that he did not apportion non-patented features like error correction and copy-back technology. *See* Dkt. No. 443-4 at 8-10 (Micron’s *Daubert* Motion); Dkt. No. 540-4 at 5-7 & n.1 (Micron’s *Daubert* Reply). Micron correctly objects that this new declaration constitutes improper sur-rebuttal and requests that it be stricken.

As another example, MLC argues that the Court erred in finding that MLC had not disclosed certain extrinsic evidence in support of its damages theories because MLC had, in fact, disclosed that evidence to Micron during discovery. In the Court’s Order Granting in Part and Denying in Part as Moot Micron’s Damages Motion in Limine #1, the Court found that MLC had failed to disclose six categories of extrinsic evidence that Mr. Milani cited in his report to support his opinion that the Toshiba and Hynix licenses “reflected” a 0.25% royalty rate. *See* Dkt. No. 639 at 12 n.10 & 22-24.¹¹ MLC now argues (through Mr. Marino’s declaration), that it did in fact disclose three of those categories of evidence: (1) documents regarding negotiations between BTG and Samsung, which MLC asserts it disclosed in response to Interrogatory No. 7; (2) documents regarding BTG’s licensing negotiations with Acacia, which MLC asserts it also disclosed in response to Interrogatory No. 7; and (3) Simon Fisher’s deposition testimony, which MLC asserts it disclosed in response to Interrogatory No. 18; *See* Marino Decl. ¶¶ 30-31 (Dkt. No. 693).¹²

¹¹ That extrinsic evidence is: (1) Christine Soden’s September 2007 letter to Jay Shim of Samsung (BTG_06398-BTG_06402); (2) Simon Fisher’s deposition testimony (BTG_02097-BTG_02142); (3) a November 2007 internal BTG “Briefing Paper” summarizing BTG’s negotiations with Samsung (BTG_05660-670); (4) correspondence between BTG and Samsung regarding negotiations (MLC00056549-551, MLC00060545); (5) BTG’s licensing offer to ST Micro (MLC00054615-616); and (6) documents related to BTG’s licensing negotiations with Acacia (ACACIA00000228-229 and MLC00056617-628).

¹² As to the other three categories of extrinsic evidence that the Court found MLC had not disclosed in discovery (Christine Soden’s September 2008 letter to Jay Shim, the November 2007 internal BTG “Briefing Paper,” and BTG’s licensing offer to ST Micro), MLC concedes it never disclosed these documents in response to Micron’s damages interrogatories.

There are several problems with these assertions, and they are emblematic of the way that MLC has litigated much of this case. As an initial matter, MLC did not make these arguments in its opposition to Micron's motion to strike. *See generally* Dkt. No. 498-4 (MLC's Opp'n to Micron's Motion to Strike Portions of Milani Report). MLC did not previously assert that it disclosed these documents, and indeed, nowhere in the voluminous briefing on the motion to strike is Interrogatory No. 7 ever mentioned by either party.¹³ At the risk of repetition, MLC cannot now raise new arguments that it failed to present in opposition to Micron's motion to strike.

Further, although MLC now asserts that it disclosed the BTG-Samsung negotiation documents and the BTG-Acacia documents in response to Interrogatory No. 7, MLC does not provide any evidence in support of this assertion. Although MLC filed numerous exhibits in support of its "opposition," MLC did not file a copy of its responses to Interrogatory No. 7. Mr. Marino's current declaration states that MLC's Second Supplemental Response to Interrogatory No. 7 is found at Dkt. No. 514-2. *See* Marino Decl. ¶ 31 (Dkt. No. 693). However, Docket No. 514-2, which is Exhibit 9 to Micron's Consolidated Exhibits that it submitted in support of its various *Daubert* and other damages motions, does not contain MLC's responses to Interrogatory No. 7. Instead, Docket No. 514-2 contains excerpts of MLC's Second Supplemental Responses to Interrogatory Nos. 1, 8, 9 and 10. *See* Dkt. No. 514-2. It is not the Court's task to "examine the entire file for evidence . . . where the evidence is not set forth in the . . . papers with adequate references so that it could be conveniently found." *Carmen v. San Francisco Unified Sch. Dist.*, 237 F.3d 1026, 1031 (9th Cir. 2001); *see also* Civil Local Rule 7-5(a).¹⁴

MLC also states that the Court erred when it stated that MLC had failed to identify the Toshiba license in response to Micron's Interrogatory Nos. 21 and 22 because MLC did disclose the Toshiba license, albeit under different Bates numbers. The Court's error in this regard is of no consequence because the Court's rulings regarding Mr. Milani's opinions did not turn in any way on whether MLC had disclosed the Toshiba license.

¹³ The briefing on Micron's motion to strike Mr. Milani's report based on MLC's failure to disclose focused on MLC's initial and amended disclosures, MLC's Rule 30(b)(6) witness, and Interrogatory Nos. 6, 18, 21 and 22.

¹⁴ That rule provides, "Affidavit or Declaration Required. Factual contentions made in support of or in opposition to any motion must be supported by an affidavit or declaration and by appropriate references to the record. Extracts from depositions, interrogatory answers, requests for admission and other evidentiary matters must be appropriately authenticated by an affidavit or

MLC's assertion that it disclosed the Fisher deposition testimony is misleading. MLC now states that it disclosed Mr. Fisher's deposition testimony (identified by MLC as BTG_2097 and BTG_2062) in response to Interrogatory No. 18. *See* Marino Decl. ¶ 30 (Dkt. No. 693). MLC's Second Supplemental Response to Interrogatory No. 18 (Dkt. No. 278-13) discloses Mr. Fisher's deposition testimony (BTG_2097 at BTG_2137) in support of MLC's claim that "MLC is entitled to damages for Micron's infringement of the Asserted Patent occurring before the filing of the Present Litigation because Micron had actual notice of infringement prior to the lawsuit." Dkt. No. 178-13 at 9.¹⁵ It is disingenuous for MLC to assert that it disclosed Mr. Fisher's deposition testimony as a factual underpinning for Mr. Milani's royalty rate opinion when MLC actually disclosed a portion of Mr. Fisher's deposition testimony in support of its claim for pre-suit damages.¹⁶ These are just a few examples of the new, and incorrect, arguments that MLC has presented in its opposition.

For all of these reasons, the Court finds that MLC's summary judgment "opposition" papers are improper and hereby STRIKES these filings from the record. For purposes of any appeal in this case, MLC is bound by the record that it created.

declaration."

¹⁵ Interrogatory No. 18 asked,

Describe in complete detail the factual and legal basis for your contention that MLC is entitled to damages for Micron's alleged infringement of the Asserted Patent occurring before the filing of the Present Litigation, including the identification of all evidence and testimony regarding apportionment, the applicability of the entire market value rule, and any contention that Micron was notified of the alleged infringement in a manner that entitles MLC to these damages under 35 U.S.C. §§ 284, 286, and 287.

Dkt. No. 442-45.

¹⁶ As discussed at length in the Court's orders, Mr. Milani relied on a different (undisclosed) portion of Mr. Fisher's deposition testimony from an unrelated state court action in which Mr. Fisher discussed using a 0.25% royalty rate as a "rule of thumb" when negotiating world-wide licenses and a 0.75% royalty rate for U.S. shipments in support of his royalty rate opinion. *See generally* Dkt. No. 639.

In the final pretrial order, the Court held that MLC could not introduce Mr. Fisher's deposition testimony at trial and the Court struck Mr. Fisher from MLC's trial witness list because MLC did not properly disclose him Fisher as a witness and has not shown that its failure to do so was "substantially justified or is harmless." Fed. R. Civ. P. 37(c)(1). *See generally* Dkt. No. 688.

CONCLUSION

For the reasons set forth above, the Court DENIES Micron's motion for summary judgment of no remedy (Dkt. No. 690) and CERTIFIES the Damages Orders (Dkt. Nos. 639, 668 & 672) for interlocutory appeal pursuant to 28 U.S.C. § 1292(b). The Court STRIKES MLC's improper summary judgment filings. Dkt. Nos. 692-696. The Court DENIES all other pending motions as MOOT. Dkt. Nos. 456 & 519.

IT IS SO ORDERED.

Dated: October 17, 2019



SUSAN ILLSTON
United States District Judge

**ORDER RE: MICRON'S MOTION
TO STRIKE MILANI REPORT
AND DENYING AS MOOT MLC'S
DAMAGES-RELATED MOTION
IN LIMINE RE: LIESEGANG**

**DATED JULY 12, 2019
(DKT 672)**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. [14-cv-03657-SI](#)

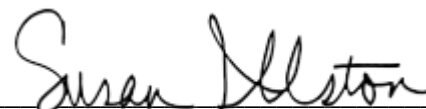
**ORDER RE: MICRON'S MOTION TO
STRIKE MILANI REPORT AND
DENYING AS MOOT MLC'S
DAMAGES-RELATED MOTION IN
LIMINE RE: LIESEGANG**

Re: Dkt. Nos. 450, 452

In various orders the Court has granted Micron's *Daubert* motions to exclude MLC's experts Ronald Epstein and Michael Milani. Micron has represented that if Epstein's testimony is excluded, it does not intend to call its rebuttal expert, Robert Liesegang. Accordingly, MLC's motion regarding that expert is DENIED as moot. In addition, for the reasons set forth in the Court's Order Granting in Part and Denying in Part Micron's Damages Motion in Limine No. 1, the Court GRANTS in part Micron's motion to strike the Milani Report. The remainder of Micron's motion to strike is DENIED as moot in light of the *Daubert* order.

IT IS SO ORDERED.

Dated: July 12, 2019



SUSAN ILLSTON
United States District Judge

**ORDER GRANTING MICRON'S
DAUBERT MOTION TO
EXCLUDE EXPERT TESTIMONY
OF MICHAEL MILANI**

**DATED JULY 12, 2019
(DKT 668)**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. [14-cv-03657-SI](#)

**ORDER GRANTING MICRON'S
DAUBERT MOTION TO EXCLUDE
EXPERT TESTIMONY OF MICHAEL
MILANI**

Re: Dkt. No. 446

On June 6, 2019, the Court held a hearing on numerous pretrial motions. For the reasons set forth below, the Court GRANTS Micron's *Daubert* motion to exclude the expert testimony of Michael Milani.

Micron raises numerous challenges to Milani's expert damages opinion. The Court has already resolved some of these matters in other orders. *See* Order Re: Micron's Damages Motions in Limine #2, #3, and #5 (holding MLC may not seek damages based on Micron's foreign sales or based on any sales by Micron's subsidiaries and IMFT) (Dkt. No. 596); Order Granting in Part and Denying in Part Micron's Damages Motion in Limine #1 (Dkt. No. 639) (holding Milani may not testify that the BTG/Hynix and BTG/Toshiba lump sum agreements "reflect" a 0.25% royalty rate and Milani may not rely on, *inter alia*, Fisher deposition testimony for alleged 0.25% or 0.75% royalty rates). This order resolves the remaining issues regarding Milani's testimony.

Milani offers two damages opinions: (1) the comparative license opinion and (2) the smallest saleable patent practicing unit "SSPPU" approach.¹ For the comparative license opinion, Milani

¹ The parties agree that the SSPPU is a wafer, or bare die.

1 applies a royalty rate of 0.375%² to a royalty base that includes all of Micron’s revenue for the
 2 accused products. Milani Report at 34-35, 67 (Dkt. No. 585). For the SSPPU approach, Milani
 3 applies the same 0.375% royalty rate to a royalty base that includes all of the revenue for what
 4 Milani refers to as the “SSPPU Products” – the bare die or wafer – and a majority of the revenue for
 5 what he refers to as the “non-SSPPU Products” which are products that incorporate the bare die and
 6 have other components, such as controllers. *Id.* at 37-39. The revenue base for Milani’s SSPPU
 7 approach includes 87.4% of the total accused product revenue. *Id.* at 39 & Exhibit 3.2. There are
 8 over 2,600 non-SSPPU products, including products such as solid state disk drives. *Id.* at Exhibit
 9 3.2.1 (list of non-SSPPU products).

10 Micron contends that both approaches are flawed and unreliable because Milani did not
 11 apportion the revenue base to include only the revenue attributable to the patented technology.
 12 Micron argues that Milani has not shown that the patented feature is the sole driver of demand for
 13 the accused products, which is necessary to justify using the entire market value of the accused
 14 products for the revenue base. *See Power Integrations, Inc. v. Fairchild Semiconductor Int’l, Inc.*,
 15 904 F.3d 965, 979 (Fed. Cir. 2018) (“[T]he entire market value rule is appropriate only when the
 16 patented feature is the sole driver of customer demand or substantially creates the value of the
 17 component parts. . . . When the product contains other valuable features, the patentee must prove
 18 that those other features do not cause consumers to purchase the product.”); *see also Finjan, Inc. v.*
 19 *Blue Coat Sys., Inc.*, 879 F.3d 1299, 1311 (Fed. Cir. 2018) (“[I]f the smallest saleable unit – or
 20 smallest identifiable technical component – contains non-infringing features, additional
 21 apportionment is still required.”). Micron argues that Milani has used the entire market value for

23 ² Milani arrived at the 0.375% royalty rate by starting with a 0.25% rate that he derived
 24 from the Hynix agreement, tripling that rate to 0.75% based on Simon Fisher’s deposition testimony,
 25 and then halving it to 0.375% based on the conclusion that the ‘571 patent represented at least half
 26 of the value of the 41 patent portfolio licensed in the Hynix agreement. As noted *supra*, the Court
 27 has held that (1) the lump sum Hynix agreement does not contain a 0.25% royalty rate and thus that
 28 Milani may not testify that the agreement contains such a rate, and (2) Milani may not rely upon the
 Fisher deposition testimony for alleged royalty rates. Because the Court has excluded Milani’s
 testimony regarding two of the inputs for his ultimate 0.375% royalty rate opinion, it does not appear
 that there is any reliable admissible basis for his royalty rate opinion, which he applies to both
 damages models. In any event, this order addresses the related but distinct challenges to the royalty
 bases.

the comparative license opinion because he includes all revenue for the accused products in the revenue base. Regarding the SSPPU approach, Micron argues that a bare die contains numerous non-infringing features, such as micro-fabrication and lithography techniques, error correction, and copy-back technology, and thus that Milani was required to apportion beyond the SSPPU. In addition, Micron argues that Milani engaged in a superficial apportionment for the non-SSPPU products (such as solid state disk drives) because he testified that did not evaluate or assign value to the non-infringing features of those products. *See* Milani Tr. at 201-206 (stating he did not put a value on various non-infringing features of a Micron solid state disk drive) (Dkt. No. 442-13); *see also* Milani Report at 35-39 (stating that he did not have an understanding of what many of the non-SSPPU products were and that he classified many as “unidentifiable”).³

MLC asserts that Milani was not required to apportion the revenue base in his comparable license approach because the royalty rate from the Hynix license “already accounts for apportionment.” Opp’n at 10 (Dkt. No. 497-4); *see also* Milani Report at 34 n.195 (“In other words, the royalty rate associated with the comparable license agreements already apportions for other components and technologies included in the infringing product.”). MLC also asserts that Milani relied on evidence showing that the multi-level cell flash market is a “commodity” market, and thus that the Hynix products and Micron products were sufficiently similar. *Id.* at 8 (citing Milani Report at 8).⁴ With regard to Milani’s SSPPU approach, MLC asserts that Milani “ensured that the royalty rate, which was derived from the Hynix Agreement, was not applied to products that were broader than any Hynix products that were subject to a royalty under the Hynix Agreement (e.g., solid-state drives). In doing so, Mr. Milani, in consultation with Dr. Lee, determined that the SSPPU was a

³ Milani also testified, *inter alia*, that he did not know who Micron’s customers were, he did not conduct any consumer surveys to gauge demand for the accused products, and he did not consult with any market analysts or Micron engineers. Milani Tr. at 33-34, 97-99.

⁴ In his report Milani states, “Given the significant supply of NAND flash by 2006, the market was described as a commodity market, with competitors mainly competing on price.” Milani Report at 8. In support of that statement, Milani cites an article titled “NAND sails into ‘commodity storm,’” published online at www.eetimes.com/document.asp?doc_id=1164075#. The article does not discuss or analyze any company’s particular products, and states, *inter alia*, that “The NAND flash market, which has been in the ‘oversupply’ mode since the beginning of this year [2006], is fast becoming a mere commodity.”

1 bare die. He then limited revenues in his alternative royalty base calculation to those associated
 2 with the SSPPU. The SSPPU is not a multi-component product, like a cellphone or computer.
 3 Rather, it is a single component with no non-infringing uses.” *Id.* at 9. MLC argues that no further
 4 apportionment is necessary because “Milani is using the Comparable Licensing Approach
 5 methodology” and “Micron competes in a market where products are not sufficiently differentiated.”
 6 *Id.*

7 Thus, MLC defends Milani’s revenue base for both damages models by arguing that the
 8 royalty rate from the Hynix license already addresses apportionment. However, in order to start
 9 with the Hynix lump-sum agreement and reach Milani’s comparative license opinion applying a
 10 0.375% royalty rate to a royalty base comprised of the revenue of all the accused products, one is
 11 required to make numerous unsupported inferential leaps. As set forth in detail in the Court’s Order
 12 Granting in Part and Denying in Part Micron’s Damages Motion in Limine #1, the Hynix agreement
 13 is a lump-sum agreement that does not explain how the parties calculated each lump sum. There is
 14 no royalty rate in the Hynix agreement. Further, the Hynix agreement covered worldwide rights to
 15 41 patents for “all Hynix products.”⁵ Although Milani states that the flash memory market is a
 16 “commodity market,” he did not (nor did anyone) compare Micron’s accused products to the
 17 licensed Hynix products. There is no evidence in the record regarding the nature or volume of the
 18 licensed Hynix products. Merely asserting that the flash memory market is a “commodity” market
 19 with a citation to a 2006 article about market conditions does not establish that the licensed Hynix
 20 products are similar to Micron’s accused products for purposes of a damages analysis. *Cf. Lucent*
 21 *Tech. v. Gateway, Inc.*, 580 F.3d 1301, 1330-32 (Fed. Cir. 2009) (explaining why different licenses
 22 did not support damages award because jury was not provided with sufficient information about
 23 those licenses, including “the jury again did not hear any explanation of the types of products
 24 covered by the agreement or the various royalty rates set forth in the agreement”). Milani also relies
 25 on Lee’s technical opinion that the ‘571 patent is “essential” to flash memory and that the ‘571
 26

27 ⁵ In addition, the Hynix license provided Hynix with a release for sales prior to the April
 28 11, 2007 effective date, and the term extended through the expiration of all of the licensed patents.
See generally Hynix Agreement (Dkt. No. 442-5).

1 patent is the most important of MLC's patents. However, even if Lee is correct about the importance
2 of the '571 patent, there still is no basis for Milani to opine that the Hynix lump-sum agreement
3 reflects a royalty rate that can be applied to all of the revenue for Micron's accused products without
4 the need for any apportionment of the revenue base.

5 Simply put, there is no evidence regarding the Hynix agreement that supports Milani's
6 opinion that a specific royalty rate derived from the Hynix agreement already accounts for
7 apportionment of non-patented features in Micron's accused products and thus can be applied to all
8 the revenue for Micron's accused products. *Cf. Lucent*, at 1330 ("[C]ertain fundamental differences
9 exist between lump-sum agreements and running-royalty agreements. This is not to say that a
10 running-royalty license agreement cannot be relevant to a lump-sum damages award, and vice versa.
11 For a jury to use a running-royalty agreement as a basis to award lump-sum damages, however,
12 some basis for comparison must exist in the evidence presented to the jury."); *see also Wordtech*
13 *Systs., Inc. v. Integrated Networks Solutions, Inc.*, 609 F.3d 1308, 1320 (Fed. Cir. 2010) ("[T]he two
14 lump-sum licenses provide no basis for comparison with INSC's infringing sales. Neither license
15 describes how the parties calculated each lump sum, the licensees' intended products, or how many
16 products each licensee intended to produce. . . . Thus, without additional data, the licenses offered
17 the jury 'little more than a recitation of royalty numbers.'").

18 The cases in which the Federal Circuit has held that damages can be based upon the terms
19 of a comparable license which already values the patented technology involve facts very different
20 than those presented here. For example, in *Elbit Systems Land & C4I Ltd. v. Hughes Network Sys.,*
21 *LLC*, __ F.3d __, 2019 WL 2587754, at *5-6 (Fed. Cir. June 25, 2019), the plaintiff's damages
22 expert relied on a settlement license between the defendant and another satellite internet company
23 involving one-way satellite communication technology. The Federal Circuit affirmed the damages
24 award because the expert "appropriately accounted for differences between the circumstances of
25 that settlement and the present circumstances" and the expert "relied on the per-unit figure in the
26 Gilat Agreement for one-way technology, together with Hughes-based evidence that two-way
27 technology was worth at least an additional 20%, to arrive at his proposed per-unit figure – which
28 the jury adopted." *Id.* at *6. The Federal Circuit found that the damages evidence did not violate

principles of apportionment because the expert testified that apportionment was “essentially embedded in the comparable value” from the Gilat Agreement: “Mr. Martinez’s testimony allowed the jury to find that the components at issue, for purposes of apportionment to the value of a larger product or service, were comparable to the components at issue in the Gilat-Hughes agreement. . . . Gilat and Hughes would have had to consider the benefit from the patented technology over other technology and account for that in the Gilat Agreement.” *Id.* at *7; *see also Commonwealth Scientific & Industrial Research Organisation v. Cisco Systems, Inc.* (“*CSIRO*”), 809 F.3d 1295, 1303 (Fed. Cir. 2015) (“Because the parties’ discussions centered on a license rate for the ‘069 patent, this starting point for the district court’s analysis already built in apportionment. Put differently, the parties negotiated over the value of the asserted patent, ‘and no more.’”). Here, in contrast, Milani does not present any analysis that would support the conclusion that a 0.375% royalty rate derived from the Hynix license can be applied to the entire market value of Micron’s accused products because the royalty rate somehow already accounts for apportionment.

The Court also finds that Milani’s SSPPU approach does not satisfy apportionment requirements. As an initial matter, the Court notes that MLC defends the SSPPU approach on the ground that the royalty rate accounts for apportionment. Further, although MLC asserts that the bare die does not have any “non-infringing *uses*,” MLC does not dispute Micron’s evidence that the bare die has non-infringing *features*, such as error-correction software and implementation of copy-back technology. MLC’s technical expert Dr. Lee testified at his deposition that the ‘571 patent does not cover these technologies. Lee Tr. at 228-231 (Dkt. No. 542-2). Milani was required to apportion for these non-patented technologies for both the SSPPU group and the non-SSPPU group. His failure to do so renders his damages analysis unreliable and excludable. *See Finjan*, 879 F.3d at 1311; *Dynetix Design Sols., Inc. v. Synopsys, Inc.*, No. C 11-05973 PSG, 2013 WL 4538210, at *3 (N.D. Cal. Aug. 22, 2013) (excluding expert who “relied on the blanket assumption that, once he selected the smallest salable unit . . . he could end the analysis”).

In light of the Court’s conclusion that Milani’s reasonable royalty analysis is fundamentally flawed both as to the royalty rate and the royalty base, the Court need not address Micron’s other challenges to Milani’s opinions. For the foregoing reasons, the Court GRANTS Micron’s *Daubert*

1 motion to exclude Milani's testimony.

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3 **IT IS SO ORDERED.**

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5 Dated: July 12, 2019

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SUSAN ILLSTON
United States District Judge

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United States District Court
Northern District of California

**ORDER GRANTING IN PART
AND DENYING IN PART AS
MOOT MICRON'S DAMAGES
MOTION IN LIMINE #1**

**DATED JULY 2, 2019
(DKT 639)**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MLC INTELLECTUAL PROPERTY, LLC,

Plaintiff,

v.

MICRON TECHNOLOGY, INC.,

Defendant.

Case No. [14-cv-03657-SI](#)

**ORDER GRANTING IN PART AND
DENYING IN PART AS MOOT
MICRON'S DAMAGES MOTION IN
LIMINE #1**

Re: Dkt. No. 444

On June 6, 2019, the Court held a hearing on numerous pretrial motions. For the reasons set forth below, Micron's damages motion in limine #1 is GRANTED in part and DENIED in part as moot.¹

INTRODUCTION

Pursuant to Federal Rules of Evidence 401, 402 and 403, Micron seeks to "preclude MLC from relying on any testimony, evidence, argument, or insinuation regarding irrelevant royalty rates for the '571 patent that exceeds the disclosure within the four corners of the license agreements themselves." Motion at 1 (Dkt. No. 444). Specifically, Micron moves to exclude evidence and

¹ Portions of the briefing on this motion, as well as entire exhibits, were filed under seal. In order to resolve the present motion, the Court must discuss the under seal material in detail, and the Court finds it appropriate that this order be filed entirely in the public docket. Further, after engaging in an in-depth review of these materials, the Court concludes that none of the under seal material – such as the licenses, discovery responses, and deposition testimony – is truly confidential. In any event, the parties have put these matters directly at issue in this litigation and the Court cannot rule on the current motion without discussing this material.

argument regarding: (1) the alleged royalty rate that Mr. Milani (MLC's damages expert) derives from the Hynix and Toshiba agreements, (2) the royalty rate Mr. Milani derives from the testimony of a BTG witness (Simon Fisher) in litigation between MLC and BTG, and (3) the royalty rates and slide presentations that Mr. Epstein² offered during the failed licensing negotiations with Micron in 2013-2014. *Id.* Micron also seeks to preclude MLC from eliciting testimony from Mr. Liesegang (Micron's rebuttal licensing expert) regarding royalty rates tied to IBM's licensing policy in the 1980s and 1990s.

In a separate order, the Court has granted Micron's *Daubert* motion to exclude Epstein's expert testimony, concluding *inter alia* that testimony regarding Epstein's licensing negotiations with Micron is irrelevant. Accordingly, for the reasons set forth in that order, the Court GRANTS this motion to the extent it is directed at Epstein's testimony. Further, because Liesegang is Micron's rebuttal witness to Epstein, the Court DENIES AS MOOT the portion of the motion regarding Liesegang's testimony about IBM's royalty rates, as Micron has represented that Liesegang will not testify if Epstein is excluded.

Thus, what remains of the present motion focuses on the question of whether there is a factual basis for Milani to testify that the BTG/Hynix and BTG/Toshiba lump sum licenses contain or "reflect" specific royalty rates, as well as whether Milani may rely on Fisher's deposition testimony for alleged royalty rates.³ As set forth below, the Court concludes that the Hynix and Toshiba licenses do not contain specific royalty rates nor do they state how the lump sums were calculated, and therefore Milani may not mischaracterize those agreements by testifying that they do, in fact, "reflect" specific royalty rates. The Court also concludes that Milani's opinion that the

² In 2012-2014, Epstein was MLC's outside licensing counsel/agent and pursuant to a contingent fee agreement he represented MLC in the unsuccessful licensing negotiations with Micron. In January 2019, MLC retained Epstein as a "licensing expert" in this case. *See generally* Order Granting Micron's *Daubert* Motion to Exclude Expert Testimony of Ronald Epstein. Dkt. No. 636.

³ Micron has also filed a *Daubert* motion to exclude Milani's expert testimony, as well as a motion to strike his testimony based on MLC's alleged failures to disclose its damages case during fact discovery in violation of Federal Rules of Civil Procedure 26 and 37. The Court will issue separate orders on those motions. However, to the extent those motions raise overlapping challenges to Milani's opinion regarding the 0.25% royalty rate, the Court also addresses those questions in this order.

Hynix and Toshiba agreements reflect a 0.25% royalty rate is not grounded in any facts or a reliable methodology because even if admissible, the extrinsic evidence upon which Milani relies suggests that BTG may have calculated the lump sum payments by applying 0.25% to Gartner forecasts of future revenue for Hynix and Toshiba from 2006-2011. However, both license agreements covered a significantly longer time period through the expiration of the last patent in December 2017 (and the '571 patent's expiration in June 2015), and thus to the extent 0.25% was used to calculate lump sum payments, that number was not applied to forecasted sales over the entire terms of the license agreements and therefore cannot reflect a royalty rate for those licenses. Thus, Milani's opinion that the Hynix and Toshiba agreements "reflect" a 0.25% royalty rate is supported neither by the actual license agreements nor by the extrinsic evidence. Finally, as a separate basis of exclusion, the Court finds that Milani may not rely on the Fisher deposition testimony and the other extrinsic evidence that he relies upon for his opinion that the licenses reflect royalty rates because MLC failed to disclose that evidence as a basis for a royalty rate calculation in discovery.

BACKGROUND

I. The Hynix and Toshiba Licenses

On April 11, 2007, BTG (which then owned the rights to the MLC patent portfolio) entered into licenses with Hynix and Toshiba. Both licenses were to MLC's entire portfolio of 30 U.S. patents (including the '571 patent), and 11 foreign patents.⁴

The Hynix license agreement defines "Licensed Products" as "any and all Hynix products, including MLC Memory Devices, the making, using, selling or offering for sale, exporting, importing or otherwise disposing of which would otherwise infringe one or more claims of the Licensed Patents." Hynix License § 1.5 (Dkt. No. 444-2). The license granted Hynix and its subsidiaries a "non-exclusive, worldwide, indivisible non-transferable and personal license" to 41

⁴ Hynix is a South Korean company and Toshiba is a Japanese company. Dkt. Nos. 442-5, 444-7. Exhibit A to both agreements lists the following foreign patents: 1 German patent; 2 "Europe" patents; 1 United Kingdom patent; 1 Italian patent; 2 Japanese patents; 2 South Korean patents; and 1 Dutch patent. *Id.*

patents “through the expiration date of the last of the Licensed Patents to expire.” *Id.* §§ 3.1, 6.1.⁵ Under “Compensation,” the agreement states that “In consideration of the release and License, Hynix shall pay to BTG \$21,000,000 (twenty-one million dollars) as follows: (a) \$11,000,000 (eleven million dollars) no later than 30 April 2007 (b) \$5,000,000 (five million dollars) no later than 31 March 2008 [and] (c) \$5,000,000 (five million dollars) no later than 31 December 2009.” *Id.* § 4.1.

Section 4.3 of the agreement, titled “Future Licenses,” is the basis of Milani’s opinion that the agreement contains a 0.25% royalty rate. That section provides:

Future Licenses. BTG hereby agrees that Hynix will be granted most-favoured customer status. In the event that BTG grants a license under the Licensed Patents after the Effective Date, other than a license granted in settlement of litigation, in which the royalty rate is less than 0.25%, then as its sole remedy, Hynix’s future payments, if any, shall be reduced so that Hynix, in total pays not more than 90% of the royalty rate paid by the new licensee. In no event shall Hynix receive any refund of any amount paid, or which became due, prior to the execution of the new license agreement. In the case of a paid up license, the royalty rate shall be calculated using formula $X/Y \times 100$ where X is the gross undiscounted value of sales of MLC Memory Devices made and forecast to be made by the new licensee through 31 December 2011 (future sales shall be BTG’s reasonable and good faith estimate based upon a reputable industry analyst data). BTG shall notify Hynix within thirty (30) days after BTG enters into an agreement granting a license under the Licensed Patents to a new licensee. Within six (6) months of BTG notifying Hynix it has entered into a new license under the Licensed Patents, Hynix may have an independent internationally recognized accounting firm conduct an audit of BTG’s records, without disclosing such records to Hynix, and subject to such accounting firm entering into a reasonable non-disclosure agreement, to confirm Hynix is paying, in total as specified in Section 4.1, not more than 90% of the rate paid by the new licensee taking into account the factors described above.

Id. § 4.3.

The Hynix agreement also contains Section 7.7 titled “Entire Understanding.” That provision reads:

This Agreement embodies the entire understanding between the parties relating to the subject matter hereof, whether written or oral, and there are no prior representations, warranties or agreements between the parties that are not contained in this Agreement.

Id. § 7.7.

⁵ The licensed patents expired at different times, with the ‘571 patent expiring in June 2015 and the last patent expiring in December 2017. Milani Tr. at 151:1-19 (Dkt. No. 442-11). Milani opines that the ‘571 patent comprised “at least 50%” of the value of the licenses to Hynix and Toshiba. Milani Report at 67 (Dkt. No. 442-3).

The Toshiba license agreement is similar to the Hynix agreement in several respects. The “Licensed Products” are defined as “all Toshiba or its Subsidiaries’ products, including MLC Memory Devices,” and the term of the license was through the expiration of the last of the licensed patents. Toshiba License §§ 3.1, 6.1. The license also provided Toshiba with the option of extending the license to a Toshiba-SanDisk joint venture. *Id.* §§ 3.2, 3.6. The compensation provided under the license is as follows:

4.1. Compensation. In consideration of the release and license granted by BTG in this Agreement, Toshiba shall pay to BTG the following sums:

(a) \$6,000,000 (six million dollars) no later than 30 days after the Effective Date;

(b) \$11,000,000 (eleven million dollars) on or before March 31, 2008;

(c) if Toshiba has exercised the Option in accordance with Section 3.6, a further \$10,000,000 (ten million dollars) on or before March 31, 2009;

(d) \$6,000,000 (six million dollars) on or before March 31, 2009;

(e) if Toshiba has exercised the Option in accordance with Section 3.6, a further \$10,000,000 (ten million dollars) on or before March 31, 2009; and

(f) if BTG has, on or before December 31, 2008, either: (i) entered into a license under the Licensed Patents with two of the companies whose annual worldwide revenue of NAND Flash Memory Devices in 2007 as reported by Gartner Dataquest (or if such information is not available from Gartner, then as reported by another reputable market research firm agreed by the parties such as iSupply or Forrester) is ranked as top three other than Toshiba; or (ii) initiated any litigation against any one of such company in any jurisdiction for infringement of one or more claims of any of the Licensed Patents, a further \$2,000,000 (two million dollars) no later than April 30, 2009, provided that BTG shall notify Toshiba in writing indicating the above with relevant evidences

Id. § 4.1. The Toshiba license does not contain a “most favored customer” provision. The Toshiba license contains Section 7.7 “Entire Understanding” that is identical to the “Entire Understanding” provision in the Hynix license. Milani states that Toshiba paid a total of \$25 million under the license (\$23 million followed by a \$2 million payment). Milani Report at 48.

II. Milani’s Royalty Rate Opinion re: the Hynix and Toshiba Licenses

In his report, Milani states that he considers the Hynix and Toshiba licenses to be the most relevant licenses for determining a reasonable royalty in a hypothetical negotiation. Milani Report

at 47-48, 50. Regarding the Hynix license, Milani states that it “contains a most favored customer provision which provides a quantitative metric allowing for the application of the terms of the Hynix Agreement to the Hypothetical License, while also adjusting for Micron’s extent of use. To that point, I consider the 0.25% royalty rate called for in the most favored customer provision to reflect a relevant consideration for evaluating a reasonable royalty and understand that rate was applied to Hynix’s worldwide sales.” *Id.* at 47 (citing BTG_06398-06402).⁶ With regard to the Toshiba license, Milani states, “given the most favored customer provision in the Hynix Agreement, and the fact that both agreements were executed on the same day, it’s reasonable to presume BTG considered the royalty rate in the Toshiba Agreement to reflect a running royalty that is at least equal to the rate reflected by the Hynix Agreement.” *Id.* at 48 (citing BTG_06398-06402).

Milani uses the 0.25% royalty rate derived from the Hynix license as the starting point for his calculation of the appropriate royalty rate in this case. Milani states,

Relative to the Hynix Agreement, the scope of the hypothetical license would be narrower, because the Hynix Agreement had a worldwide scope. Mr. Simon Fisher, the BTG employee responsible for licensing the ‘571 Patent, provided deposition testimony regarding the relationship between the worldwide scope of the license grant and the 0.25% royalty rate reflected within the Hynix agreement. [citing Fisher’s deposition testimony at 237-238, produced in this case as BTG_02097-BTG_02142]⁷ On that point, Mr. Fisher testified that BTG’s historical licenses were based on worldwide shipments, but the MLCIP Patent Portfolio was predominantly made up of U.S. rights. Recognizing this, Mr. Fisher explained that rather than adjusting the royalty base to reflect only U.S. sales, BTG discounted the royalty rate in the Agreements to account for the larger royalty base. Mr. Fisher further explained that, in connection with negotiating the Agreements, BTG considered the proper rate

⁶ The document cited by Milani is a September 6, 2007 letter from Christine Soden of BTG to Jay Shim of Samsung. Dkt. No. 442-44. The letter states that it is “Subject to FRE 408” and that it is confidential subject to a non-disclosure agreement between Samsung and BTG. In the letter, which appears to be a licensing proposal, Soden states that “[o]ur calculation still supports a fully paid up figure for Samsung of \$69 million which was based on a 0.25% rate applied to sales forecasts,” and she states that enclosed with the letter are “the sales forecast data that we used in March 2007 to calculate fully paid up licenses at an effective royalty rate of 0.25%.” *Id.* at BTG_06398. The enclosed market share forecast data includes data for Hynix and Toshiba showing forecasted (or actual) sales from 2006 – 2011, and a 0.25% royalty rate applied to those forecasts to derive lump sum payments. *Id.* at BTG_06400-BTG_06401.

As Micron notes, this letter is not a contemporaneous communication between BTG and Hynix showing how those parties negotiated the BTG/Hynix license, but rather an after-the-fact licensing proposal made by BTG to Samsung. In connection with other motion briefing, Micron has submitted contemporaneous communications (dated March 2007) between BTG and Hynix showing that the parties negotiated over lump sum payments. *See* Dkt. Nos. 481-8, 481-9.

⁷ Fisher’s deposition testimony is discussed *infra*.

to apply to U.S. sales would be 0.75%, but since BTG presumed that amount reflected only a third of a licensee's total shipments, the rate in the agreement was discounted to 0.25%. Therefore, I consider the Hynix Agreement suggests a royalty rate of 0.75% is the proper rate to consider in connection with determining a reasonable royalty in a hypothetical negotiation.

Milani Report at 54 (internal footnotes omitted).

Milani further explains his royalty rate calculation:

In summary, as discussed throughout the *Georgia-Pacific* factors (and the remainder of this report), I consider the 0.25% rate discussed in the Hynix Agreement to be a relevant metric for evaluating a reasonable royalty in a hypothetical negotiation. I also consider that the 0.25% royalty rate should be adjusted to 0.75%, to reflect the fact that it was applied to a base of worldwide sales. Further, I consider that at least 50% (and potentially much more) of the 0.75% royalty rate is attributable to the technology of the '571 Patent. Based on that apportionment, I consider the resultant 0.375% royalty rate to reflect the minimum rate that does not account for differences between real-world and hypothetical licenses, such as the assumption of validity and infringement, as discussed in Mr. Epstein's expert report.

Finally, I recognize that the historical licensing practices of both BTG and Micron have been based on lump-sum payments. I also recognize the lump-sum payments included in the BTG license agreements reflect the application of the 0.25% royalty rate reflected in the agreements to a royalty base comprised of estimated worldwide sales. [citing BTG_06398-06402]. Therefore, applying the 0.375% royalty rate to the royalty bases discussed above in Section 10 results in the following lump sum payments, but recognizes that the appropriate lump sum payment in this case may be much higher after the rate has been properly adjusted, as discussed above.

Milani Report at 67.⁸ The lump sum damages payments that Milani arrives at are between \$63,142,053 and \$70,207,876. *Id.*

III. Fisher's Deposition Testimony

Excerpts from the Fisher deposition testimony are at Dkt. No. 442-15. Fisher was a BTG employee who was involved in negotiating the Hynix and Toshiba licenses and the other efforts to

⁸ In his report, Milani also states that the 0.25% royalty rate that he derives from the Hynix agreement is consistent with BTG's licensing history, citing documents related to BTG's negotiations with Samsung, ST Micro, Micron, and Acacia. Milani Report at 63-64. All of these negotiations were unsuccessful, and BTG ultimately sued Samsung in the ITC and then entered into a settlement after, *inter alia*, the ITC staff preliminarily concluded that the '571 patent was invalid. BTG did not enter into licenses with ST Micro, Acacia, or Micron. The specific documents cited by Milani as additional support for the 0.25% royalty rate are: BTG_05660-670; MLC00056549-551; MLC00060545; MLC00054615-616; MICRONM034216-218; MLC00002575-576; ACACIA00000228-229; and MLC00056617-628. Milani Report at 63-64. Based on Milani's description of these documents, they appear to be BTG internal memos discussing licensing negotiations, BTG's licensing offers, and an unsigned draft agreement between BTG and Acacia.

1 license the BTG/MLC patent portfolio. Fisher was deposed in connection with a breach of contract
2 lawsuit brought by MLC against BTG. In the deposition excerpts provided to the Court,⁹ Fisher
3 was asked about BTG's negotiations with Toshiba. Fisher Tr. at 236:1-239:25. Fisher testified,
4 "And if we can get a deal done quickly with Toshiba as the initial licensee, we would do it at this
5 [unspecified] number and then presented that number." *Id.* at 236:3-6. The questioning continued:

6 Q: Was that number supposed to be an up-front number that was going to be paid –

7 A: Yeah, it was a fully paid-up lump sum number.

8 Q: All right. And would that fully paid-up lump sum number be considered a royalty
9 rate?

10 A: Well, it's – it was a payment in lieu of past shipments and a paid-up amount in
11 lieu of future royalties. So I don't know how – I don't know how the finance people
12 would view it, whether they'd view it as a compensation payment or as a royalty
13 payment.

14 Q: What calculations did you, BTG, use to get to \$60 million?

15 A: We did a number of calculations. There were sort of different approaches for
16 what we, you know – I think I termed out early bird licensing model that – the value
17 that we had put forward, and we calculated on a variety of royalty rates initially
18 taking the Gartner Dataquest numbers, taking the U.S. – as I recall, the U.S.
19 proportion of those, taking a potential royalty award that might come from a court at
20 some future date, MPV'ing that with a fairly harsh discount because of the risk of
21 litigation.

22 Another model was to take the Gartner Dataquest numbers worldwide and use a .25
23 percent royalty rate.

24 And there was another model which had a staggered or tiered set of royalties.

25 So actually, you know, there was a whole range of numbers that [sic] could come up
26 with. And I think in the Toshiba case it was as low as \$16 million, and I don't
27 remember what the upper bound was, but through the process of discussion, I think
28 we all settled on the opening number of 60 something million dollars being the
appropriate one.

Q: Why did you, BTG, use the .25 percent royalty rate when you were talking about
using the Dataquest material?

A: Well, based on the – based on the worldwide shipments, leveraging worldwide
licenses off of a predominantly U.S. patent position, that was a reasonably – well,
seemed to be deemed appropriate by everyone at the time number to use for a first

⁹ The parties have not provided the Court with the entire deposition, nor have the parties provided any evidence regarding the details of the *MLC v. BTG* litigation or the circumstances surrounding that case, except to state that it was a breach of contract case and that it ultimately settled.

licensee scheme. Given that a third of the worldwide shipments, as a rule of thumb, end up in the U.S., it's equivalent to a .75 percent based on the U.S. shipments which represents a sort of discount off of a sort of one percent U.S. royalty rate which one might reasonably anticipate as a reasonable outcome from a U.S. court case.

Id. at 236:7-238:4.

IV. Discovery

The parties dispute the adequacy of MLC's initial (and amended) disclosures regarding damages, as well as MLC's responses to specific interrogatories seeking information related to MLC's damages. The extensive briefing on that matter is found at Dkt. Nos. 452, 499, 544, and 594-595. The Court recounts the discovery only as it specifically relates to MLC's damages based upon a reasonable royalty rate.

A. Interrogatory No. 6

Micron's Interrogatory No. 6 asked MLC to "Describe in detail the factual and legal basis and supporting evidence for the relief Plaintiff seeks . . . including but not limited to Your contention that You are entitled to damages (e.g. a reasonable royalty)" Dkt. No. 278-13. MLC's original response stated,

RESPONSE TO INTERROGATORY NO. 6:

MLC incorporates the above-stated General Objections as if fully set forth herein. MLC also objects to this interrogatory as being premature and properly the subject of expert discovery and reports. MLC further objects to this interrogatory to the extent it seeks information that is protected from disclosure by the attorney-client privilege and attorney-work product doctrine.

Subject to and without waiving the foregoing General and Specific Objections, MLC responds as follows: MLC is the holder of all rights and interest in the '571 Patent. As demonstrated in MLC's Preliminary Infringement Contentions, Micron's NAND flash memory devices infringe multiple claims of the '571 Patent. Under 35 U.S.C. § 284, MLC is entitled to damages "adequate to compensate for the infringement, but in no event less than a reasonable royalty." MLC does not presently know the volume or duration of sales of Micron's infringing devices, and the measure of damages adequate to compensate for the infringement will be determined no later than trial.

MLC's supplemental response stated:

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

MLC incorporates its prior response to this Interrogatory as if fully set forth herein.

Subject to and without waiving the foregoing general and specific objections set forth in its prior response, incorporated herein by reference, MLC provides the following supplemental response to this Interrogatory:

MLC objects to this request on the grounds that Micron has not complied with the Court's Order compelling discovery of financial information for Micron's accused multi-level cell and triple-level cell NAND Flash (Dkt. 193), which is now the subject of a motion for sanctions (Dkt. 214-4). For this reason, MLC still does not presently know the volume or duration of sales of Micron's infringing devices. Interrogatory No. 6 is objectionable on the grounds that it is compound and an improper attempt to enlarge the numerical limits under Federal Rule of Civil Procedure Rule 33(a)(1).

Notwithstanding, MLC responds that it is the holder of all rights and interest in the '571 Patent. As demonstrated in MLC's Infringement Contentions, Micron's multi-level cell and triple-level cell NAND flash devices infringe multiple claims of the '571 Patent. MLC's Infringement Contentions also provides a non-exhaustive list of devices accused of infringement.

Under 35 U.S.C. § 271, Micron "without authority makes, uses, offers to sell, or sells multi-level cell (including triple-level cell) NAND flash devices, within the United States, or imports into the United States, multi-level call NAND flash devices during the term of the patent therefor" that infringes multiple claims of the '571 Patent. Due to Micron's infringement, under 35 U.S.C. § 284, MLC is entitled to damages "adequate to compensate for the infringement, but in no event less than a reasonable royalty." And MLC is entitled to no less than a reasonable royalty measured and calculated in a manner consistent with federal case law.

MLC further responds that the calculation of damages will also be informed by, at least, the following documents identified pursuant to Rule 33(d): EPICENTER029194, EPICENTER029212, EPICENTER029216, EPICENTER029243, EPICENTER029247, EPICENTER029260, EPICENTER029334, EPICENTER029345, EPICENTER029347, MUIR000020, MUIR000027, MUIR000031, MUIR000033, MUIR000072, MUIR000085, MUIR000109, MUIR000149, MUIR000163, MUIR000174, MUIR000194, MUIR000208, MUIR000219, MUIR000256, MUIR000848, MUIR000862, MUIR000873, MUIR000893, MUIR000907, MUIR000918, MUIR001052, MUIR001056, MUIR001095, MUIR001101, MUIR001115, MUIR001126, MUIR001144, MUIR001155, MUIR001213, MUIR001233, MUIR001284, ACACIA00000005, ACACIA000000026, ACACIA000000037, ACACIA000000051, ACACIA000000057, BTG_02342, BTG_02345, BTG_02351, BTG_02793, BTG_02863, BTG_02866, BTG_02977, BTG_03037, BTG_05418, BTG_05438, BTG_05501, BTG_05569, BTG_05617, BTG_05618, BTG_05619, BTG_05654, BTG_05655, BTG_05657, BTG_05674, BTG_05686, BTG_05706, BTG_05813, BTG_05834, BTG_05835, BTG_05842, BTG_06058, BTG_06296, BTG_06433, BTG_06440, BTG_07877, BTG_07921, BTG_07995, BTG_07996, BTG_08102, MLC00002536, MLC00002575, MLC00002581, MLC00002583, MLC00007108, MLC00007112, MLC00033662, MLC00033675, MLC00052637, MLC00052641, MLC00052661, MLC00052674, MLC00053395, MLC00053396.

In addition to the foregoing documents, the proper calculation of damages will also depend on information from Micron's SEC 10-K statements, industry reports (such as MICRONM046812 and MICRON047492), as well as financial information solely within the possession, custody and control of Micron. On September 25, 2018, Micron produced financial data (MICRONM047490) for certain accused products and improperly excluded financial data for other products on the grounds that the excluded information is not relevant. MLC has since moved for sanctions regarding Micron's immediate supplementation. See Dkt. 215. Absent the requested information, MLC is without sufficient information regarding, at a minimum, the volume of sales of Micron's multi-level cell and triple-level cell NAND flash products during the relevant time period. And consequently, MLC is unable to respond to this contention interrogatory in full.

Micron's deficient document production notwithstanding, MLC further objects to this interrogatory on the grounds that it not only calls for a legal conclusions but also on the grounds that it is premature as it seeks information that requires expert discovery and analysis. Pursuant to Federal Rule of Civil Procedure 33(a)(2), such discovery "need not be answered until designated discovery is complete," that is, until expert discovery which does not commence until January 25, 2019. See Dkt. 184.

MLC reserves the right to further supplement the response to this Interrogatory in the course of fact and expert discovery.

MLC's second supplemental response, dated November 30, 2018, stated:

SECOND SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:

MLC incorporates its prior response to this Interrogatory as if fully set forth herein. Subject to and without waiving the foregoing general and specific objections set forth in its prior response, incorporated herein by reference, MLC provides the following supplemental response to this Interrogatory:

As permitted under 35 U.S.C. § 284, MLC is entitled to damages "adequate to compensate for the infringement, but in no event less than a reasonable royalty." MLC seeks a reasonable royalty with respect to infringement of the '571 Patent. The amount of a reasonable royalty will be based on expert analysis and testimony, and applicable law, including but not limited to the factors identified in *Georgia-Pacific Corp. v. U.S. Plywood Corp.*, 318 F. Supp. 1116 (S.D.N.Y. 1970), and in the many district court and Federal Circuit cases that have adopted and opined on that methodology. The royalty rate will be based on at least the *Georgia-Pacific* factors, and will include but not limited to consideration of relevant license agreements for the patented technology, including those identified in MLC's prior response, as well as any prior negotiations between the parties regarding the patented technology. The royalty base will at least be based on financial sales information solely within the possession, custody and control of Micron including revenues from all infringing sales during the damages period—information Micron has yet to produce in response to the Court's November 26, 2018 Order (Dkt. 240).

The calculation of damages will also be informed by industry analysis and reports (such as MICRONM046812 and MICRON047492), as well as statements made by Micron in, for example, its SEC 10-K statements. For example, in its SEC 10-K Annual Statements, for Fiscal Years 2012 through 2015, Micron reported approximately \$1.26 billion (FY12), \$1.51 billion (FY13), \$2.55 billion (FY14), and \$2.56 (FY15) in Net Sales to the U.S. ("based on customer ship-to location"). Micron also reported that 44%, 40%, 27% and 33%, respectively, of Net Sales were from

NAND Flash Sales. Upon information and belief, MLC contends that it is entitled to a reasonable royalty to compensate it for said infringing sales.

Further, “[t]he law requires patentees to apportion the royalty down to a reasonable estimate of the value of its claimed technology,’ unless it can ‘establish that its patented technology drove demand for the entire product.’” *Power Integrations, Inc. v. Fairchild Semiconductor Int’l, Inc.*, 904 F.3d 965, 978 (Fed. Cir. 2008) (citing *VirnetX, Inc. v. Cisco Sys., Inc.*, 767 F.3d 1308, 1329 (Fed. Cir. 2014). “The entire market value rule allows a patentee to assess damages based on the entire market value of the accused product only where the patented feature creates the ‘basis for customer demand’ or ‘substantially create[s] the value of the component parts.’” *Uniloc USA, Inc. v. Microsoft Corp.*, 632 F.3d 1292, 1318 (Fed. Cir. 2011); *see also*, *TWM Mfg. Co. v. Dura Corp.*, 789 F.2d 895, 901 (Fed. Cir. 1986) (“The entire market value rule allows for the recovery of damages based on the value of an entire apparatus containing several features, when the feature patented constitutes the basis for customer demand.”). Moreover, “[i]n some circumstances, for example, where the other features are simply generic and/or conventional and hence of little distinguishing character . . . it may be appropriate to use the entire value of the product because the patented feature accounts for almost all of the value of the product as a whole.” *Power Integrations, Inc. v. Fairchild Semiconductor Int’l, Inc.*, 904 F.3d at 978 (citing *AstraZeneca AB v. Apotex Corp.*, 782 F.3d 1324, 1338-40 (Fed. Cir. 2015). The patented technology incorporated into the accused multilevel cell and triple-level cell NAND Flash products made and/or sold by Micron substantially creates the value of the accused products and constitutes the basis for customer demand.

Because this Interrogatory requests information requiring legal conclusions and expert analysis and testimony, which has yet to commence, and given that fact discovery has yet to conclude, MLC reserves the right to supplement and/or amend its responses to this Interrogatory in light of additional factual developments and expert discovery.

MLC’s Second Supplemental Responses to Interrogatory No. 6 at 1-6 (Dkt. No. 278-13).

MLC’s collective responses to Interrogatory No. 6 did not identify the Hynix license (MLC00007148-MLC00007158) or the Toshiba license (MLC00007159-MLC00007172) and did not disclose a reasonable royalty theory aside from generally stating “[t]he royalty rate will be based on at least the *Georgia-Pacific* factors, and will include but not limited to consideration of relevant license agreements for the patented technology, including those identified in MLC’s prior response, as well as any prior negotiations between the parties regarding the patented technology.” In addition, MLC’s responses to Interrogatory No. 6 did not identify any of the extrinsic evidence cited in the Milani report in support of his opinion that 0.25% is the royalty rate “reflected” in the Hynix and Toshiba licenses.¹⁰

¹⁰ That extrinsic evidence is: (1) Christine Soden’s September 2007 letter to Jay Shim of Samsung (BTG_06398-BTG_06402); (2) Simon Fisher’s deposition testimony (BTG_02097-BTG_02142); (3) a November 2007 internal BTG “Briefing Paper” summarizing BTG’s

B. Interrogatory No. 22

Micron's Interrogatory No. 22 asked MLC to "[i]dentify all facts, evidence, and testimony regarding any applicable royalty rates that You intend to rely upon at trial and describe in complete detail why those royalty rates are applicable." Dkt. No. 465-2 at 11. MLC's December 12, 2018 response asserted various objections such as "the word product doctrine, joint-defense privilege, common-interest privilege, and any other applicable privilege or immunity"; objected to the interrogatory as premature "on the grounds that it seeks information that is properly the subject of expert discovery and testimony"; and then stated that MLC was entitled to a reasonable royalty:

based on at least the *Georgia-Pacific* factors, and will include but not limited to consideration of license agreements for the patented technology, including but not limited to EPICENTER029247-29259; EPICENTER029326-EPICENTER029333; EPICENTER029334-EPICENTER029344; EPICENTER029345-EPICENTER029346; BTG00037609-BTG00037610; MLC00007148-MLC00007158; BTG_09023-BTG_09036, as well as any prior negotiations between the parties regarding the patented technology.

Dkt. No. 465-2 at 12.

MLC did identify the Hynix license (MLC00007148-MLC00007158), but did not identify the Toshiba license (MLC00007159-MLC00007172). MLC's response to Interrogatory No. 22 did not disclose a specific royalty rate, and did not disclose that it believed the Hynix or Toshiba licenses supported a 0.25% (or 0.75%) royalty rate. In addition, MLC's interrogatory response did not identify any of the extrinsic evidence upon which Milani would rely to support his opinion that the Hynix and Toshiba licenses "reflect" a 0.25% royalty rate. *See* footnote 10 *supra*.¹¹

negotiations with Samsung (BTG_05660-670); (4) correspondence between BTG and Samsung regarding negotiations (MLC00056549-551, MLC00060545); (5) BTG's licensing offer to ST Micro (MLC00054615-616); and (5) documents related to BTG's licensing negotiations with Acacia (ACACIA00000228-229 and MLC00056617-628). *See* Milani Report at 63-64, notes 377-386.

¹¹ In addition, Micron's Interrogatory No. 18 requested information regarding, *inter alia*, "the factual and legal basis and supporting evidence for your contention that MLC is entitled to damages for Micron's alleged infringement of the Asserted Patent occurring before the filing of the Present Litigation." Dkt. No. 442-45 MLC's response to Interrogatory No. 18 did not identify the Hynix or Toshiba licenses, and did not contain any response regarding a royalty rate. *Id.*

Micron's Interrogatory No. 21 requested MLC to identify "all agreements that You contend constitute a comparable licensing agreement that You intend to rely upon at trial and describe in complete detail the facts, evidence and testimony surrounding the formation of those license agreements and why those license agreements are comparable." In response to Interrogatory No. 21, MLC identified the Hynix license in a list of documents, and did not provide any description of why the Hynix license was comparable, nor did MLC ever state that it intended to rely on the Hynix

C. Mr. Hinckley's deposition

On December 11, 2018, Micron took the Rule 30(b)(6) deposition of Robert Hinckley. Dkt. No. 442-41 (Hinckley Tr.). Mr. Hinckley is the Chairman of MLC as well as its counsel. Hinckley Tr. at 16:22-17:11. MLC consists of Hinckley and Jerry Banks, the inventor of the '571 patent (and the other patents in the MLC portfolio). *Id.* Hinckley was produced as the Rule 30(b)(6) witness regarding, *inter alia*, the following topics:

82. All information, facts, and documents relating to MLC's claim of damages for the Asserted Patent, including any reasonable royalty, the royalty base and rate, and any alleged lost profits damages.

53. All agreements entered into by MLC or any prior owner of the Asserted Patent related to the Asserted Patent, Related Patents, or related technology field, including offers to license, settlement agreements, assignments, covenants, and technology agreements, and any related negotiations, communications, and drafts.

58. Financial information relating to MLC's and BTG's licensing of the Asserted Patent, including, without limitation, products licensed, sales volume, dates of sales, revenue, and if known, gross margin, net profit, or loss.

64. All facts and circumstances regarding any and all licenses granted for the Asserted Patent, including but not limited to the name and location of any licensee, the terms of each license, the circumstances under which each license was granted, communications with each of the past or present licensees including negotiations, the amount of royalties or other type of compensation paid to MLC, all products licensed to practice any of the Asserted Patent, the sales volume, dates of sales, revenue, as well as gross margin, net profit, or loss related thereto if known or calculated, and Documents related to the foregoing.

Micron's First Notice of Deposition to MLC (Dkt. No. 360-14).¹²

Hinckley was asked about the Hynix agreement at his deposition:

Q: Is there a royalty amount associated with this agreement?

A: I believe there is.

Q: What is that amount?

license as evidence of a .025% royalty rate. *See* Dkt. No. 465-2. MLC did not list the Toshiba license in its response to Interrogatory No. 21.

¹² Micron's motion to strike the Milani Report quotes these deposition topics, with a citation to Micron's First Notice of Deposition. *See* Micron's Motion to Strike at 12, citing Dkt. No. 360-14 (Dkt. No. 452). However, Dkt. No. 360-14 is only an excerpt of the deposition notice and does not contain topics # 53 and # 58.

1 A: Well, I can read you what it says, because my knowledge is based on what's in
2 the agreement, not my recollection. It says, "4.1 Compensation. In consideration of
3 the release and License, Hynix shall pay to BTG \$21 million as follows: \$11 million
4 no later than 30 April 2007; \$5 million no later than 31 March 2008;" and "\$5 million
5 no later than 31 December 2009."

6 Q: Now, there's not a royalty rate that's listed in this particular license agreement,
7 correct?

8 A: Correct.

9 Q: Does MLC have an understanding as to what the royalty rate for this particular
10 agreement is?

11 A: No, MLC has no understanding.

12 ...

13 Q: I'm just asking you personally, as someone who has knowledge within the – the
14 licensing industry, is one way to calculate a royalty rate for an agreement to take the
15 sales revenue that's covered by the agreement and divide that into the total amount
16 that was paid for that particular agreement?

17 A: I'm sorry. I don't – I don't understand the question, because when parties get
18 into licensing discussions, they usually talk numbers. It varies all over the map how
19 they get to those numbers. And in this particular case, I have no idea how these
20 numbers came about.

21 Q: So MLC has no knowledge with respect to a royalty rate that could be inferred
22 from this particular agreement?

23 A: That's correct. MLC has no knowledge about where these numbers came from.

24 Q: Has MLC attempted to investigate that?

25 Mr. Marino: Objection to the extent that it calls for privileged communications. If
26 you have an independent knowledge, you can testify to that.

27 A: No, I don't have any independent knowledge. I – I – BTG did not include us in
28 the negotiations, and – and so what communications were between Hynix and BTG
over these numbers, MLC has no knowledge.

Hinckley Tr. at 61:9-63:23. Hinckley also testified that he did not know what Hynix products were
covered by the agreement. *Id.* at 64:14-65:6.

Hinckley was repeatedly asked whether MLC would be relying on the Hynix agreement at
trial:

Q: Now, there's a lot of things you've testified that you don't know with respect to
this agreement. Are there any facts with respect to Exhibit 5 [Hynix License] that
MLC will seek to rely upon with respect to its burden of proof at trial?

Mr. Marino: And objection. It's vague. I don't understand what – "facts with respect to" an agreement that aren't the agreement itself. But if you understand the question, please answer.

A: Same. I do not know what facts, if any, BTG will rely at trial – I mean, MLC will rely on at trial that pertains to Exhibit 5.

Q: And so MLC is not disclosing any facts with respect to this agreement that it will seek to rely upon at trial, correct?

A: Well, again, my answer is, I do not know one way or the other the extent to which MLC will be relying on – on any facts pertaining to Exhibit 5 in the trial.

Q: Who at MLC would know those facts?

A: Well, it would be me and Jerry. And so if I'm speaking on behalf of MLC, I'm saying MLC as an entity doesn't know one way or the other what facts, if any, it will rely on relating to Exhibit 5 at trial.

Q: Will MLC at least disclose those facts before the close of fact discovery?

A: I defer to my counsel.

Mr. Marino: I think that's a completely unfair question to ask of a fact witness. Also, again, I still don't understand what facts related to a document mean. So I think the question is vague.

Mr. Scharzter: Mr. Marino, we know that Mr. Hinckley is here designated as a corporate witness, not just a fact witness.

Mr. Marino: Corporate witness by definition is a fact witness. What do you think he is, an expert witness? That statement is nonsensical.

Mr. Scharzter: Mr. Hinckley, outside of what's written here within Exhibit 5, are there any other facts that MLC will seek to introduce at trial with respect to Exhibit 5?

A: Well, same answer. I do not know the extent – if MLC will seek to introduce any facts relating to this exhibit at trial or relating to the agreement between Hynix and BTG.

Id. at 65:7-67:7. Hinckley provided similar answers when questioned about the BTG/Toshiba license agreement. *See id.* at 67:11-69:4; 78:6-7; 77:13-79:14. As noted *supra*, MLC did not in fact disclose prior to the close of fact discovery that it intended to rely on "facts relating to Exhibit 5 [the Hynix license agreement]" – such as any of the extrinsic evidence cited in Milani's report.

LEGAL STANDARDS

Federal Rule of Evidence 402 provides that "[i]rrelevant evidence is not admissible." Rule 403 provides that even relevant evidence may be excluded "if its probative value is substantially

1 outweighed by a danger” of unfair prejudice, confusion etc.

2 Federal Rule of Evidence 702 provides that expert testimony is admissible if “scientific,
3 technical, or other specialized knowledge will assist the trier of fact to understand the evidence or
4 to determine a fact in issue.” Fed. R. Evid. 702. Expert testimony under Rule 702 must be both
5 relevant and reliable. *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 589 (1993). When
6 considering evidence proffered under Rule 702, the trial court must act as a “gatekeeper” by making
7 a preliminary determination that the expert’s proposed testimony is reliable. *Elsayed Mukhtar v.*
8 *Cal. State Univ.*, 299 F.3d 1053, 1063 (9th Cir. 2002), *amended by* 319 F.3d 1073 (9th Cir. 2003).
9 As a guide for assessing the scientific validity of expert testimony, the Supreme Court provided a
10 nonexhaustive list of factors that courts may consider: (1) whether the theory or technique is
11 generally accepted within the relevant scientific community; (2) whether the theory or technique
12 has been subjected to peer review and publication; (3) the known or potential rate of error; and (4)
13 whether the theory or technique can be tested. *Daubert*, 509 U.S. at 593-94; *see also Kumho Tire*
14 *Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999).

15 Federal Rule of Civil Procedure 37(c)(1) provides that a party’s failure to disclose or
16 supplement information will result in that party being precluded from using that information on a
17 motion, at a hearing, or at trial, unless that failure was substantially justified or harmless. This
18 sanction applies to failures to supplement discovery responses in accordance with Federal Rule of
19 Civil Procedure 26(e). *See id.*; *see also Hoffman v. Constr. Prot. Servs., Inc.*, 541 F.3d 1175, 1179
20 (9th Cir. 2008) (affirming district court’s order excluding undisclosed damages evidence); *Yeti by*
21 *Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001) (“[A]lthough we review
22 every discovery sanction for an abuse of discretion, we give particularly wide latitude to the district
23 court’s discretion to issue sanctions under Rule 37(c)(1). . . . This particular subsection, implemented
24 in the 1993 amendments to the Rules, is a recognized broadening of the sanctioning power. . . . The
25 Advisory Committee Notes describe it as a ‘self-executing,’ ‘automatic’ sanction to ‘provide[] a
26 strong inducement for disclosure of material. . . .’ Fed. R .Civ. P. 37 advisory committee’s note
27 (1993).”)

DISCUSSION

Micron contends that “[t]he Milani Report relies on a flawed, self-serving characterization of the Hynix and Toshiba Agreements to arrive at a royalty rate not found anywhere in the agreements.” Motion at 3 (Dkt. No. 444). Micron argues that the 0.25% figure that Milani claims represents the royalty rate applied in the Hynix Agreement is mentioned only in the context of the “most favored customer” provision as a rate that, if given to a different, future, hypothetical licensee, would trigger an additional discount to Hynix. Micron argues that Milani’s assertion that the Toshiba license effectively includes a 0.25% royalty rate is also entirely speculative, citing Milani’s statement in his report that “it’s reasonable to presume BTG considered the royalty rate in the Toshiba Agreement that is at least equal to the rate reflected in the Hynix Agreement.” Milani Report at 48. Micron argues that the Hynix and Toshiba licenses speak for themselves, and that both agreements on their face provide for lump sum payments and neither agreement contains a royalty rate applicable to the licenses.

Micron also argues that because MLC failed to disclose during fact discovery (such as through the Hinckley deposition or its responses to Interrogatory Nos. 6 and 22) that it believed that 0.25% was the applicable royalty rate based upon the Hynix and Toshiba licenses, as well as MLC’s failure to disclose the extrinsic evidence that Milani relies upon for his royalty rate opinion (such as Soden’s 2007 letter to Samsung and Fisher’s deposition testimony), Micron was prevented from conducting relevant discovery, such as depositions of BTG, Hynix and Toshiba witnesses focusing on the alleged 0.25% royalty rate, as well as a deposition of Mr. Fisher.

Micron also argues that the 0.25% rate is not a real rate because, to the extent the extrinsic evidence cited by MLC is considered, that evidence shows that BTG used 0.25% as a tool to calculate lump sum payments based on forecasted sales from 2006 to 2011, while the actual license agreements covered the period of April 2007 through the expiration dates of the 41 patents (including *inter alia* June 2015 for the ‘571 patent and December 2017 for the last expiring patent). Thus, Micron argues that Milani’s opinion that the Hynix and Toshiba licenses reflect a 0.25% royalty rate has no basis in fact because (1) the contracts themselves provide for lump sum payments and do not specify a royalty rate and (2) the extrinsic evidence shows that, at most, BTG used 0.25%

as a method for calculating lump sum payments based upon a revenue base of forecasted sales from 2006-2011, thus ignoring years of Hynix's and Toshiba's sales that were covered by the term of the license. Micron argues that if an effective royalty rate was calculated for the Hynix and Toshiba licenses, that rate would need to also take account of the years of forecasted (or actual) sales from 2012-2017, and thus the actual effective royalty rate would be much less than 0.25%.

MLC devotes a significant portion of its opposition to arguing that the Hynix and Toshiba licenses are comparable and that the use of comparable licenses is a well-established methodology to determine a reasonable royalty. However, the specific issue presented by Micron's motion is whether Milani may testify that the Hynix and Toshiba license agreements "reflect" a 0.25% royalty rate, not whether those license agreements are comparable. As to that question, MLC argues that "the 0.25% royalty rate figure is expressly referenced in the 'most favored customer' provision of the license" which "provides Hynix with a guarantee that no subsequent licensee would receive a license 'in which the royalty rate is less than 0.25%.'" Opp'n at 3 (Dkt. No. 492). MLC also argues, "[i]ndeed, the record of the case is replete with references to 0.25% being used as the effective worldwide royalty rate – including several license agreements involving the patent-in-suit and contemporaneous business communications and testimony relating to the nature of the agreements and the manner by which they were negotiated – which have all been disclosed to Micron." *Id.* MLC's opposition to Damages MIL#1 does not cite any specific evidence in support of the assertion that the record is "replete" with references to the 0.25% royalty rate, nor does it identify how and when it "disclosed" all of this evidence to Micron.¹³

The Court concludes that Milani's proposed testimony that the Hynix and Toshiba licenses "reflect" a 0.25% royalty rate is speculative and not based on the facts of the actual licenses, and therefore GRANTS the motion as framed. Specifically, Milani may not testify that the Hynix and Toshiba agreements contain or "reflect" specific royalty rates because the documents speak for themselves and neither provides for an applicable royalty rate. Both license agreements are lump

¹³ MLC's opposition to Micron's Motion to Strike the Milani Report asserts that MLC disclosed certain evidence in its response to Interrogatory No. 6 and 22. The Court discusses those responses *infra*.

sum agreements, and there is no explanation in the agreements regarding how the lump sum amounts were calculated. Milani's derivation of a 0.25% royalty rate based on the "most favored customer" provision in the Hynix license is contrary to the plain language of that provision, which provides that if BTG entered into a "future license" "in which the royalty rate is less than 0.25% . . . Hynix's future payments (if any) shall be reduced so that Hynix, in total, pays not more than 90% of the royalty rate paid by the new licensee." Hynix License § 4.3. The "most favored customer" provision does not state that the 0.25% royalty rate was applied to that license, nor does that provision (or any other provision in the agreement) state anything about how the lump sum payments were calculated.

Milani's testimony about the Hynix and Toshiba licenses containing a 0.25% royalty rate is not "based on sufficient facts or data" and is not "the product of reliable principles and methods." Rule 702. Even if the extrinsic evidence was admissible¹⁴ to interpret the Hynix and Toshiba license agreements, the extrinsic evidence does not show that those licenses have an effective 0.25% royalty rate. Instead, that evidence suggests that BTG may have calculated lump sum amounts by applying 0.25% to forecasts of revenue from 2006-2011.¹⁵ Of course, if 0.25% had been applied to forecasts of revenue for the term of the license (2007-2017), the lump sum amounts would have been greater; conversely, if the same lump sum figures were paid and measured across a revenue base of forecasted revenue from 2007-2017, the effective royalty rate would be less than 0.25%. Thus, Milani's opinion that the Hynix and Toshiba licenses "reflect" a 0.25% royalty range is not based

¹⁴ As discussed *infra*, the Court finds that MLC did not disclose that it intended to rely on this extrinsic evidence in support of its reasonable royalty claim, and thus it is inadmissible on that ground. Further, even if that evidence was properly disclosed, the extrinsic evidence would not be admissible as parol evidence to interpret the license agreements because those agreements are clear and unambiguous. *See generally Barron Bancshares, Inc. v. United States*, 366 F.3d 1360, 1375-76 (9th Cir. 2004) (discussing parol evidence rule); *Transcore, LP v. Electronic Transaction Consultants Corp.*, No. 3:05-cv-2316, 2008 WL 2152027, at *5, *aff'd*, 563 F.3d 1271 (Fed. Cir. 2009) ("Although TransCore would like the court to consider its extraneous proof of the parties' discussions that were contemporaneous to the final preparation of the Settlement Agreement, the court cannot do so, because it finds that they intended the Settlement Agreement to be a final expression of their agreement.").

¹⁵ As noted *supra*, the Hynix license covered "all Hynix products," and was not limited specifically to Hynix's MLC Memory Devices. The revenue base for all Hynix products for the term of the license was presumably larger than the revenue base for the subset of Hynix MLC Memory Devices.

1 in fact, but instead upon an misinterpretation of an inapposite “most favored customer” provision in
2 the Hynix license and irrelevant extrinsic evidence suggesting that BTG used the 0.25% figure as a
3 method for calculating lump sums in negotiations using forecasted sales data for a truncated period
4 of the license agreements.

5 The Court is mindful of the principle that “[a] judge must be cautious not to overstep its
6 gatekeeping role and weigh facts, evaluate the correctness of conclusions, impose its own
7 methodologies, or judge credibility, including the credibility of one expert over another.” *Apple*
8 *Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1315 (Fed. Cir. 2014), *overruled on other grounds*,
9 *Williamson v. Citrix Online, LLC*, 792 F.3d 1339 (Fed. Cir. 2015). The Court also recognizes that
10 resolving disputes of fact is the province of the jury. *See Micro Chemical, Inc. v. Lextron, Inc.*, 317
11 F.3d 1387, 1392 (Fed. Cir. 2003) (“In this case, the trial court properly did not rule inadmissible
12 Fiorito’s damages testimony simply because it was based on Micro Chemical’s version of the
13 contested facts.”). Here, however, there is not a factual dispute about whether the Hynix and
14 Toshiba licenses contain a royalty rate: they do not. Instead, Milani (and MLC) divine a royalty
15 rate for these agreements by stitching together selected pieces of extrinsic evidence of BTG’s
16 description of how it formulated lump sum licensing proposals.¹⁶ MLC cannot create a dispute of
17 fact by having Milani mischaracterize evidence, and the Court cannot permit Milani to testify about
18 a “fact” – the royalty rate reflected in the Hynix and Toshiba licenses – when there is no evidence
19 to support that fact. *Cf. Uniloc USA, Inc. v. Microsoft Corp.*, 632 F.3d 1292, 1317 (Fed. Cir. 2011)
20 (“[T]here must be a basis in fact to associate the royalty rates used in prior licenses to the particular
21 hypothetical negotiation at issue in the case.”); *see also Golden Bridge Tech. v. Apple, Inc.*, Case
22 No. 5:12-cv-04882-PSG, 2014 WL 2194501, at *6 (N.D. Cal. May 18, 2014) (granting *Daubert*
23 motion to exclude expert testimony about royalty rates derived from fully-paid lump sum licenses
24 where, *inter alia*, the expert did not “account for the portion of the lump sum payments that would
25 cover future sales”).

26
27 ¹⁶ In the limited excerpts of the Fisher deposition provided to the Court, Fisher testified that
28 there several “different approaches” leading to a “whole range of numbers” that BTG used when
determining amounts for BTG’s licensing negotiations. Fisher Tr. at 236:18-237:15.

The Court also concludes that MLC never disclosed the factual underpinnings of its claim that the Hynix and Toshiba licenses “reflect” a 0.25% royalty rate, and that pursuant to Rule 37(c)(1), this failure is a separate and independent basis for excluding evidence and argument that those licenses contain such a rate. It bears repeating that because the Hynix and Toshiba licenses are lump sum agreements that do not contain specific royalty rates, absent a disclosure by MLC, Micron would have no way of knowing that Milani would opine that these agreements reflect a 0.25% royalty rate that should be applied to this case (and that the rate should be tripled to 0.75% based on Fisher’s deposition testimony and ultimately halved to 0.375% to account for the value of the ‘571 patent). It is undisputed that prior to the submission of Milani’s initial expert report in February 2019,¹⁷ MLC had never disclosed what it believed was an appropriate royalty rate to calculate damages, had never disclosed that it believed the Hynix and Toshiba licenses “reflect” a 0.25% royalty rate, and had never disclosed any of the extrinsic evidence that Milani relies on for his royalty rate opinion (the 2007 BTG letter from Soden to Shim of Samsung; the Fisher deposition testimony; and the BTG memos regarding licensing negotiations and offers to Samsung, ST Micro and Acacia).¹⁸ Further, at Hinckley’s Rule 30(b)(6) deposition, he testified, *inter alia*, that the Hynix agreement did not have a royalty rate, that “MLC has no understanding” of the royalty rate for the Hynix agreement, and that “MLC has no knowledge about where these [lump sum] numbers came from.” Hinckley Tr. at 61:21-62:2, 63:9-13. Although Mr. Marino repeatedly objected to questions asking Hinckley about whether MLC would rely on any “facts with respect to” the Hynix agreement at trial (such as objecting “It’s vague. I don’t understand what – ‘facts with respect to’ an agreement that aren’t the agreement itself”), in fact Milani and MLC are attempting to rely on “facts with respect to” the Hynix agreement that are not the agreement itself, namely extrinsic evidence such as Soden’s 2007 letter to Samsung, Fisher’s deposition testimony, and other BTG memos and license

¹⁷ Milani first issued an expert report on February 8, 2019, and then issued an amended report on March 15, 2019 “to reflect the Court’s order regarding the infringement contentions and schedule.” Milani Report at 4.

¹⁸ MLC had generally identified “any prior negotiations between the parties.” However, that disclosure still does not state that MLC believed that 0.25% was a reasonable royalty rate that should be used as an input (before tripling and then halving, as Milani does) to determine damages.

1 offers. Thus, the record reflects that Micron repeatedly asked MLC – through interrogatories and
 2 the Hinckley deposition – for the factual basis of its reasonable royalty claim and about its reliance
 3 on the Hynix license in particular – and MLC consistently failed to disclose its contention that the
 4 Hynix license “reflected” a 0.25% royalty rate that should be applied to this case.

5 MLC argues that its responses to Interrogatories Nos. 6 and 22 were sufficient, and that in
 6 any event Micron has not been prejudiced. The Court disagrees. In both interrogatories, Micron
 7 asked MLC to “describe the factual and legal basis and supporting evidence” in support of MLC’s
 8 claim for a reasonable royalty (Interrogatory No. 6) and to “identify all facts, evidence and testimony
 9 regarding any applicable royalty rates that You intend to rely upon at trial and describe in complete
 10 detail why those royalty rates are applicable.” Interrogatory No. 22. MLC’s responses to both
 11 interrogatories asserted numerous boilerplate objections and set forth a generic statement of the law
 12 regarding entitlement to damages with citations to *Georgia-Pacific* without ever stating that MLC
 13 believed that 0.25% was an appropriate royalty rate or MLC’s contention that the Hynix and Toshiba
 14 licenses reflected such a rate. MLC’s responses also contained a list of documents, which curiously
 15 did not include either license in response to Interrogatory No. 6 and only identified the Hynix license
 16 in response to Interrogatory No. 22. Crucially, none of the listed documents included any of the
 17 extrinsic evidence upon which Milani relies to conclude that the Hynix and Toshiba licenses
 18 “reflect” a 0.25% royalty rate and that the 0.25% rate should be tripled to account for the fact that
 19 the Hynix and Toshiba licenses were worldwide and damages in this case are based on U.S.
 20 revenue.¹⁹ Because MLC never disclosed this information, Micron was prevented from conducting
 21 fact discovery regarding these issues.

22 To the extent MLC seeks to blame Micron for its inadequate damages disclosures, the Court
 23 is unpersuaded. To be sure, there were problems with Micron’s production of sales data. However,
 24 none of that discovery was relevant to the issue of what MLC contended was the appropriate royalty
 25 rate in this case. Indeed, the vast majority of the evidence that Milani and MLC rely upon for the
 26

27 ¹⁹ As Micron notes in its *Daubert* motion challenging Milani’s testimony, notwithstanding
 28 Milani’s explanation for tripling the alleged 0.25% royalty rate, Milani’s damages numbers include
 Micron’s (and its subsidiaries’) foreign sales.

0.25% (and 0.75%) royalty rate opinion was produced by MLC. There is simply no explanation to excuse MLC's failure to disclose the factual basis for its claim about a reasonable royalty. MLC suggests that it was not required to do so because the reasonable royalty is the subject of expert testimony. However, while MLC was not required to disclose its expert opinions during fact discovery, MLC was still required to disclose the factual basis for its reasonable royalty claim. *See Siemens Med. Sols. USA, Inc. v. Saint-Gobain Ceramics & Plastics, Inc.*, 637 F.3d 1269, 1287 (Fed. Cir. 2011) (affirming district court's evidentiary ruling excluding portions of expert testimony not disclosed during discovery, including expert's testimony about testing that was not disclosed during fact discovery); *Corning Optical Commc'ns Wireless Ltd. v. Solid, Inc.*, 306 F.R.D. 276, 279 (N.D. Cal. 2015) (finding interrogatory response summarized as "wait until we serve our expert report" to be "plainly insufficient" and granting motion to compel further responses to damages interrogatories, including disclosure of facts upon which plaintiff sought a reasonable royalty)

Accordingly, the Court concludes that Milani may not testify that the Hynix and Toshiba license agreements "reflect" a 0.25% royalty rate because such testimony is contrary to the plain language of the documents. Further, the extrinsic evidence that Milani relies upon (1) is inadmissible parol evidence; (2) even if considered, does not support a 0.25% royalty rate for the terms of the Hynix and Toshiba licenses; and (3) was never disclosed by MLC and thus MLC may not rely on this evidence to assert that the Hynix and Toshiba licenses "reflect" a 0.25% royalty rate.

CONCLUSION

For the foregoing reasons, the Court GRANTS Micron's Damages MIL#1 as to Milani's and Epstein's testimony and DENIES as moot the portion of the motion directed at Liesegang's proposed rebuttal testimony.

IT IS SO ORDERED.

Dated: July 2, 2019



SUSAN ILLSTON
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2019, I caused a true and correct copy of
**MLC INTELLECTUAL PROPERTY, LLC'S PETITION FOR
PERMISSION TO APPEAL PURSUANT TO 28 U.S.C. § 1292(b)** to be served
on the following counsel of record in N.D. CA. Case No. 3:19-cv-03345-EMC by
electronic mail on counsel of record for Defendant-Appellee:

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Dated: October 28, 2019

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CERTIFICATE OF COMPLIANCE

I certify under Fed. R. App. P. 32(a) that the text of this brief is proportionately spaced, has a typeface of 14 points, and that I have checked the word count of the word-processing system used to prepare this brief, excluding those portions of the brief properly excluded under Fed. R. App. P. 32(a)(7)(B)(iii) and Fed. Cir. R. 332(b). According to its calculation, this brief contains 4,681 words. Based on that calculation, this brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)B(i).

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