

Case Nos. 23-2159

**United States Court of Appeals
for the Federal Circuit**

VLSI TECHNOLOGY LLC,
Appellant,

v.

OPENSKY INDUSTRIES, LLC,
Cross-Appellant

and

JOHN A. SQUIRES, Under Secretary of Commerce for Intellectual
Property and Director of the U.S. Patent and Trademark Office,
Intervenor.

Appeal from the U.S. Patent & Trademark Office, Patent Trial and
Appeal Board, Proceeding No. IPR2021-01064

**APPELLANT OPENSKY INDUSTRIES, LLC'S RESPONSE TO
DECONSOLIDATION AND CONFIDENTIAL MARKINGS
ORDER OF MAY 11, 2016, AND
NOTICE OF CORRECTIONS TO PRINCIPAL BRIEF**

May 17, 2026

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On May 11, 2026, the Court directed the parties to file revised briefs and appendices to address confidential markings in accordance with the panel's instruction at oral argument on Friday, May 8, 2026. No. 23-2158, ECF 173.

Herewith, Appellant OpenSky files a replacement opening brief (replacing ECF 83, 84, 88, 96, and 97). This brief replaces both the Confidential and Nonconfidential versions. Earlier editions had no confidential markings in the brief itself; the only changes are removal of confidentiality markings in the addendum, and removal of the Confidential Material Omitted page, and and removal of the Certificate of Confidential Material.

OpenSky's Reply Brief (ECF 122) had no confidential markings. No replacement brief is required.

Appellant OpenSky Industries LLC notes corrections in this 3X-corrected opening brief, as follows:

- The original brief, at page 31, opening of the last paragraph, read "The Director also points to a prior regulation." This sentence is corrected to read "Below, VLSI pointed to a prior regulation."

- On the cover page, the attorney email address is corrected to track OpenSky's current Certificate of Interest and the current PACER docketing sheet.

Dated: May 17, 2026

Respectfully submitted,

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CERTIFICATE OF INTEREST

Counsel for Cross-Appellant OpenSky certifies the following:

1. **Represented Entities.** The full name of every entity represented by undersigned counsel in this case:
OpenSky Industries, LLC
2. **Real Party in Interest.** There are no real parties in interest other than the entities named in 1.
3. **Parent Corporations and Stockholders.** All parent corporations and any publicly held companies that own 10 percent or more of the stock of any entity represented by me are: None
4. **Legal Representatives.** The names of all law firms, partners, and associates that have appeared for the represented entities in the trial court or agency or are expected to appear in this court, and have not already entered an appearance in this court, are:
Andrew T. Oliver, Vinay V. Joshi, AMIN, TUROCY & WATSON
LLP
Matthew K. Blackburn, Evan E. Boetticher, SULLIVAN
BLACKBURN PRATT LLP, LEWIS & ROCA LLP, and
WOMBLE BOND DICKINSON (US) LLP
POTOMAC LAW GROUP, PLLC
5. **Related Cases** that meet the criteria of Fed. Cir. R. 47.4(a)(5):
See corrected Form 9A Notice of Related Case Information,
ECF 90 filed February 12, 2025.
6. This is neither a criminal case with organizational victims, nor a bankruptcy.

Date: May 17, 2026

/s/ David E. Boundy
David E. Boundy
*Counsel for Cross-Appellant
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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), the undersigned hereby certifies that this brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) and Federal Circuit Rule 32(b)(1), because:

1. Excluding the exempted portions of the document, as provided in Federal Rule of Appellate Procedure 32(f) and Federal Circuit Rule 32(b)(2)) this brief contains 185 words.
2. This brief has been prepared in 14-point Century Schoolbook, a proportionally spaced typeface that complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6). As permitted by Federal Rule of Appellate Procedure 32(g)(2), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated: May 17, 2026

/s/ David E. Boundy

David Boundy