

# EXHIBIT 1

**From:** [Jablon, Iian](#)  
**To:** [Horn, Steven J](#)  
**Cc:** [WH Intel-VLSI Service](#); [JTigan@morrisnichols.com](#); [JBlumenfeld@morrisnichols.com](#); [#VLSI-Intel \[Int\]](#); [bfarnan@farnanlaw.com](#); [mfarnan@farnanlaw.com](#)  
**Subject:** RE: VLSI v. Intel (Del.) - VLSI's Statements in Response to Standing Orders  
**Date:** Wednesday, June 15, 2022 4:58:11 PM

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**EXTERNAL SENDER**

Counsel,

Mr. Stolarski (and others) testified that VLSI is funded by its owners, which is clearly not third-party litigation funding and not subject to Judge Connolly's new Standing Order concerning Litigation Funding. Moreover, discovery has shown that VLSI is a duly incorporated and separately operated entity that does not require approval from any other person or entity in order to make decisions relevant to this action.

VLSI likewise disagrees with Intel's assertions concerning Judge Connolly's new Standing Order concerning Rule 7.1. Even if the new Standing Order applies retroactively to a case filed almost four years ago that is nearly ready for trial (which it, on its face, does not), all of the information required by the new Standing Order is already before the Court, including because it is discussed prominently in the parties' Cross-Motions for Summary Judgment on Intel's license defense.

VLSI does not intend to make either of the filings that Intel is demanding.

Best regards,

Iian

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**From:** Horn, Steven J <[Steven.Horn@wilmerhale.com](mailto:Steven.Horn@wilmerhale.com)>  
**Sent:** Wednesday, June 15, 2022 8:41 AM  
**To:** Jablon, Iian <[IJablon@irell.com](mailto:IJablon@irell.com)>  
**Cc:** WH Intel-VLSI Service <[WHIntel-VLSIService@wilmerhale.com](mailto:WHIntel-VLSIService@wilmerhale.com)>; [JTigan@morrisnichols.com](mailto:JTigan@morrisnichols.com); [JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com); [#VLSI-Intel \[Int\]](#) <[VLSI-Intel@irell.com](mailto:VLSI-Intel@irell.com)>; [bfarnan@farnanlaw.com](mailto:bfarnan@farnanlaw.com); [mfarnan@farnanlaw.com](mailto:mfarnan@farnanlaw.com)  
**Subject:** RE: VLSI v. Intel (Del.) - VLSI's Statements in Response to Standing Orders

Counsel,

We have not received a response to the below email. Please let us know by 6 pm ET tomorrow whether VLSI will file the required statements with the Court by Friday, June 17.

Best,  
Steven

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**From:** Horn, Steven J  
**Sent:** Friday, June 10, 2022 3:19 PM  
**To:** Jablon, Iian <[IJablon@irell.com](mailto:IJablon@irell.com)>  
**Cc:** WH Intel-VLSI Service <[WHIntel-VLSIService@wilmerhale.com](mailto:WHIntel-VLSIService@wilmerhale.com)>; [JTigan@morrisnichols.com](mailto:JTigan@morrisnichols.com); [JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com); [#VLSI-Intel \[Int\]](#) <[VLSI-Intel@irell.com](mailto:VLSI-Intel@irell.com)>; [bfarnan@farnanlaw.com](mailto:bfarnan@farnanlaw.com); [mfarnan@farnanlaw.com](mailto:mfarnan@farnanlaw.com)  
**Subject:** RE: VLSI v. Intel (Del.) - VLSI's Statements in Response to Standing Orders

Counsel,

Intel disagrees with VLSI's positions, which are contrary to the record, Chief Judge Connolly's standing orders, and the Federal Rules of Civil Procedure.

Contrary to your statement that "there is no third-party litigation funding in this case," VLSI's CEO Michael Stolarski has submitted a declaration in this matter in which he stated that "the entities that own VLSI's parent company are **ultimately owned by third party investors** such as pension funds, whose **funds are managed by Fortress.**" D.I. 652 ¶ 10 (emphases added). Therefore, at the very least, the third-party investors and Fortress meet the definition of "Third-Party Funders" under Chief Judge Connolly's April 18, 2022 Standing Order Regarding Third-Party Litigation Funding Arrangements. As a result, VLSI is required to file a statement that contains the following information: "a. [t]he identity, address, and if a legal entity, place of formation of the Third-Party Funder(s); b. [w]hether any Third-Party Funder's approval is necessary for litigation or settlement decision in the action, and if the answer is in the affirmative, the nature of the terms and conditions relating to that approval; and c. [a] brief description of the nature of the financial interest of the Third-Party Funder(s)." See <https://www.ded.uscourts.gov/sites/ded/files/Standing%20Order%20Regarding%20Third-Party%20Litigation%20Funding.pdf>.

With respect to Chief Judge Connolly's April 18, 2022 Standing Order Regarding Disclosure Statements Required by Federal Rule of Civil Procedure 7.1, your interpretation of that standing order as not applying retroactively is inconsistent with the order and Federal Rule of Civil Procedure 7.1. As an initial matter, a plaintiff's disclosure statement pursuant to Federal Rule of Civil Procedure 7.1 is usually filed before a case is assigned to a district court judge. Therefore, by its very nature, the standing order must apply retroactively such that plaintiffs who have already filed disclosure statements before a case is assigned to Chief Judge Connolly are required to update their initial disclosure statements to supply the requested information. Moreover, Federal Rule of Civil Procedure 7.1 requires a party to "promptly file a supplemental statement if any required information changes." See Fed. R. Civ. P. 7.1(b)(2). Because the standing order changes the "required information," VLSI is required to file an updated disclosure statement that includes "the name of every owner, member, and partner of the party, proceeding up the chain of ownership until the name of every individual and corporation with a direct or indirect interest in the party has been identified." See

<https://www.ded.uscourts.gov/sites/ded/files/Standing%20Order%20Regarding%20Disclosure%20Statements.pdf>.

The fact that VLSI contends that the parties have "filed extensive evidence concerning this issue" does not excuse VLSI of its obligation to update its disclosure statement. Indeed, even VLSI's cited statement of facts shows the shortcomings of its previous disclosures, as it states that the ten entities that own CF VLSI Holdings LLC "are owned by outside investors such as pension and retirement funds," see D.I. 810 ¶ 19, but VLSI has not identified the full list of outside investors despite being required to do so by the Court's standing order.

Please confirm by the end of the day on Tuesday, June 14 that VLSI will file the required statements with the Court by Friday, June 17.

Best,  
Steven

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**From:** Jablon, Iian <[IJablon@irell.com](mailto:IJablon@irell.com)>

**Sent:** Tuesday, June 7, 2022 4:14 PM

**To:** Horn, Steven J <[Steven.Horn@wilmerhale.com](mailto:Steven.Horn@wilmerhale.com)>

**Cc:** WH Intel-VLSI Service <[WHIntel-VLSIService@wilmerhale.com](mailto:WHIntel-VLSIService@wilmerhale.com)>; [JTigan@morrisnichols.com](mailto:JTigan@morrisnichols.com); [JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com); #VLSI-Intel [Int] <[VLSI-Intel@irell.com](mailto:VLSI-Intel@irell.com)>; [bfarnan@farnanlaw.com](mailto:bfarnan@farnanlaw.com); [mfarnan@farnanlaw.com](mailto:mfarnan@farnanlaw.com)

**Subject:** RE: VLSI v. Intel (Del.) - VLSI's Statements in Response to Standing Orders

**EXTERNAL SENDER**

Counsel,

As Intel is well aware from extensive discovery taken in this action and other cases between the parties, VLSI's owners are self-funding the litigation in this action. Accordingly, Judge Connolly's April 18, 2022 Standing Order Regarding Third-Party Litigation Funding Arrangements does not apply, as there is no third-party litigation funding in this case.

Judge Connolly's April 18, 2022 Standing Order Regarding Disclosure Statements Required by Federal Rule of Civil Procedure 7.1 is likewise inapplicable here. As an initial matter, unlike the new Third-Party Litigation Funding Order, the Rule 7.1 order applies to a notice that is filed at the outset of an action, and the new order does not state that it applies retroactively. This action has already been pending before Judge Connolly for nearly four years, dispositive motions have been filed, and the case is nearly ready for trial, so there is no apparent relevance to any additional Rule 7.1 disclosures in this action. Moreover, and in any event, the Court already has the details of VLSI's ownership that are called for by the new Rule 7.1 order, including because the parties have already filed extensive evidence concerning this issue in connection with the cross-motions for summary judgment on Intel's license defense. See, e.g., D.I. 810, VLSI's SOF at paragraphs 19-27.

We also note that it is entirely unreasonable for Intel to demand that VLSI provide a detailed response on these issues within one business day. VLSI has provided an expedited response as a courtesy, but reserves the right to expand upon the reasons why these new orders are not applicable in this action if Intel chooses to waste Judge Connolly's time with this issue.

lian

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**From:** Horn, Steven J <[Steven.Horn@wilmerhale.com](mailto:Steven.Horn@wilmerhale.com)>

**Sent:** Tuesday, June 7, 2022 6:20 AM

**To:** #VLSI-Intel [Int] <[VLSI-Intel@irell.com](mailto:VLSI-Intel@irell.com)>; [bfarnan@farnanlaw.com](mailto:bfarnan@farnanlaw.com); [mfarnan@farnanlaw.com](mailto:mfarnan@farnanlaw.com)

**Cc:** WH Intel-VLSI Service <[WHIntel-VLSIService@wilmerhale.com](mailto:WHIntel-VLSIService@wilmerhale.com)>; [JTigan@morrisnichols.com](mailto:JTigan@morrisnichols.com); [JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com)

**Subject:** RE: VLSI v. Intel (Del.) - VLSI's Statements in Response to Standing Orders

Counsel,

We have not received a response to the below email. Please let us know by 6 pm ET today whether VLSI will file the statements required by the Court's April 18, 2022 standing orders by no later than this Friday, June 10. If VLSI does not intend to do so, please provide your availability to meet and confer tomorrow.

Best,  
Steven

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**From:** Horn, Steven J

**Sent:** Friday, June 3, 2022 4:22 PM

**To:** [vlsi-intel@irell.com](mailto:vlsi-intel@irell.com); [bfarnan@farnanlaw.com](mailto:bfarnan@farnanlaw.com); [mfarnan@farnanlaw.com](mailto:mfarnan@farnanlaw.com)

**Cc:** WH Intel-VLSI Service <[WHIntel-VLSIService@wilmerhale.com](mailto:WHIntel-VLSIService@wilmerhale.com)>; [JTigan@morrisnichols.com](mailto:JTigan@morrisnichols.com); [JBlumenfeld@morrisnichols.com](mailto:JBlumenfeld@morrisnichols.com)

**Subject:** VLSI v. Intel (Del.) - VLSI's Statements in Response to Standing Orders

Counsel,

Pursuant to Chief Judge Connolly's April 18, 2022 Standing Order Regarding Third-Party Litigation Funding Arrangements, VLSI has to file a statement containing information regarding (1) "[t]he identity, address, and, if a legal entity, place of formation of the Third-Party Funder(s)"; (2) "[w]hether any Third-Party Funder's approval is necessary for litigation or settlement decisions in the action, and if the answer is in the affirmative, the nature of the terms and conditions relating to that approval"; and (3) "[a] brief description of the nature of the financial interest of the Third-Party Funder(s)." See <https://www.ded.uscourts.gov/sites/ded/files/Standing%20Order%20Regarding%20Third-Party%20Litigation%20Funding.pdf>. VLSI has not filed such a statement.

In addition, pursuant the Judge's April 18, 2022 Standing Order Regarding Disclosure Statements Required by Federal Rule of Civil Procedure 7.1, VLSI has to file a disclosure statement that includes "the name of every owner, member, and partner of the party, proceeding up the chain of ownership until the name of every individual and corporation with a direct or indirect interest in the party has been identified." See <https://www.ded.uscourts.gov/sites/ded/files/Standing%20Order%20Regarding%20Disclosure%20Statements.pdf>. VLSI has also not filed that statement.

Please let us know by Monday whether VLSI will file these statements by no later than next Friday, June 10. If VLSI does not intend to do so, please provide your availability to meet and confer next week.

Thanks, and have a good weekend.

Best,  
Steven

**Steven J Horn | WilmerHale**  
1875 Pennsylvania Avenue NW  
Washington, DC 20006 USA  
+1 202 663 6432 (t)  
+1 202 663 6363 (f)  
[steven.horn@wilmerhale.com](mailto:steven.horn@wilmerhale.com)

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