

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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XILINX, INC.  
Petitioner

v.

INTELLECTUAL VENTURES I, LLC  
Patent Owner

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Case IPR2013-00112  
Patent 5,779,334

Before SALLY C. MEDLEY, KARL D. EASTHOM, and  
JUSTIN T. ARBES, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

A conference call was held on November 25, 2013 between respective counsel for Petitioner and Patent Owner, and Judges Medley, Easthom, and Arbes.

The purpose of the conference call was for Patent Owner to seek authorization to file a motion for observation on cross-examination of Petitioner's reply witness, Dr. Buckman. Based on the facts presented, Patent Owner is authorized to file a motion for observation on cross-examination by Due Date 4. Any response by Petitioner shall be filed by Due Date 5.

A motion for observation on cross-examination is a mechanism to draw the Board's attention to relevant cross-examination testimony of a reply witness. The observation must be a concise statement of the relevance of precisely identified testimony to a precisely identified argument or portion of an exhibit (including another part of the same testimony). Any response to observation must be equally concise and specific.

An observation (or response) is not an opportunity to raise new issues, to re-argue issues, or to pursue objections. Each observation should be in the following form:

In exhibit \_\_, on page \_\_, lines \_\_, the witness testified \_\_. This testimony is relevant to the \_\_ on page \_\_ of \_\_. The testimony is relevant because \_\_.

The entire observation should not exceed one short paragraph. The Board may decline consideration or entry of excessively long or argumentative observations (or responses).

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Accordingly, it is

ORDERED that Patent Owner is authorized to file a motion for observation regarding the cross-examination testimony of the Petitioner's reply witness by Due Date 4; and

FURTHER ORDERED that Petitioner is authorized to file a response to any observation filed by Patent Owner by Due Date 5.

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