

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MACRONIX INTERNATIONAL CO., LTD., MACRONIX ASIA
LIMITED, MACRONIX (HONG KONG) CO., LTD., and
MACRONIX AMERICA, INC.,

Petitioners,

v.

SPANSION LLC,
Patent Owner.

Case IPR2014-00103 (Patent 6,369,416 B1)

Case IPR2014-00104 (Patent 6,459,625 B1)

Case IPR2014-00105 (Patent 6,731,536 B1)

Case IPR2014-00108 (Patent 7,151,027 B1)

Case IPR2014-00898 (Patent 7,151,027 B1)¹

Before HOWARD B. BLANKENSHIP, DEBRA K. STEPHENS, JUSTIN
T. ARBES, and RICHARD E. RICE, *Administrative Patent Judges*.

RICE, *Administrative Patent Judge*.

ORDER

Trial Hearing

37 C.F.R. § 42.70

¹ This Order addresses an issue that is identical in the five cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers. This Order supersedes the previous Trial Hearing Orders in these cases.

IPR2014-00103, IPR2014-00104, IPR2014-00105,
IPR2014-00108, and IPR2014-00898

Both parties have requested oral argument in each of the five cases. The requests for oral argument are *granted*.

Oral argument will commence on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, at the following times:

- (1) in Cases IPR2014-00108 and IPR2014-00898, on January 29, 2015, at 9:00 am Eastern Time;
- (2) in Case IPR2014-00104, on January 29, 2015, at 1:00 pm Eastern Time;
- (3) in Case IPR2014-00103, on February 4 , 2015, at 9:00 am Eastern Time; and
- (4) in Case IPR2014-00105, on February 4, 2015, at 1:00 pm Eastern Time.

As indicated above, oral argument in Cases IPR2014-00108 and IPR2014-00898 will be held at the same place and time.

Each party is allotted one hour total argument time for each of Cases IPR2014-00103, IPR2014-00104, and IPR2014-00105. Each party is allotted one hour total argument time to address both Cases IPR2014-00108 and IPR2014-00898.

Petitioner will open each hearing by presenting its arguments regarding the challenged claims for which the Board instituted trial. Patent Owner will then respond to Petitioner's arguments and, if it so desires, may address any Motion to Exclude that it filed in the case or cases being heard. Each party may reserve rebuttal time, but Patent Owner may use rebuttal time only to respond to Petitioner's arguments in opposition to a Motion to Exclude.

IPR2014-00103, IPR2014-00104, IPR2014-00105,
IPR2014-00108, and IPR2014-00898

We will provide a court reporter for each hearing, and the reporter's transcript will constitute the official record of the hearing. Each hearing will be open to the public via in-person attendance on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are requested to contact us at least 10 days in advance of the hearing to discuss the matter.

The parties are reminded that, under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. We will not consider any deposition testimony that has not been filed in accordance with our rules. Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing. We request that such exhibits be filed at least two business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), for guidance regarding the appropriate content of demonstrative exhibits. The parties must initiate a conference call with us at least two business days before the hearing to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not presented timely will be considered waived. We ask the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice.

The parties are reminded that, during the hearing, the presenter must identify clearly and specifically each demonstrative exhibit referenced (e.g., by slide or screen number) to ensure the clarity and accuracy of the reporter's transcript.

IPR2014-00103, IPR2014-00104, IPR2014-00105,
IPR2014-00108, and IPR2014-00898

We expect lead counsel for each party to be present in person at the hearing. If a party anticipates that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter. Any counsel of record, however, may present the party's argument. A party's argument may be divided, but interruptions for change of counsel should be kept to a minimum.

The parties are reminded to direct their requests for audio-visual equipment to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the above email address not less than five days before the hearing. If the request is not received timely, the equipment may not be available on the day of the hearing.

Accordingly, it is

ORDERED that oral argument for these proceedings shall take place on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, beginning:

- (1) in Cases IPR2014-00108 and IPR2014-00898, on January 29, 2015, at 9:00 am Eastern Time;
- (2) in Case IPR2014-00104, on January 29, 2015, at 1:00 pm Eastern Time;
- (3) in Case IPR2014-00103, on February 4, 2015, at 9:00 am Eastern Time; and
- (4) in Case IPR2014-00105, on February 4, 2015, at 1:00 pm Eastern Time.

IPR2014-00103, IPR2014-00104, IPR2014-00105,
IPR2014-00108, and IPR2014-00898

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