

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.,
Petitioner,

v.

SPANSION LLC,
Patent Owner.

Case IPR2014-00898
Patent 7,151,027 B1

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

ARBES, *Administrative Patent Judge*.

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

An initial conference call in the above proceeding was held on August 28, 2014, among respective counsel for Petitioner and Patent Owner, and Judges Stephens, Arbes, and Rice. The purpose of the call was to discuss any proposed changes to the Scheduling Order (Paper 14) and any motions the parties intend to file. Prior to the call, Patent Owner filed a list of proposed motions (Paper 16). The following issues were discussed during the call.

Schedule

The parties indicated that they had no issues with the due dates in the Scheduling Order at this time, although Patent Owner noted the compressed nature of the schedule in view of related Case IPR2014-00108. The parties are reminded that they may stipulate to different dates for DUE DATES 1 through 5 in the Scheduling Order (provided the dates are no later than DUE DATE 6) and, if they do so, the parties shall file promptly a notice of the stipulation. If the parties cannot reach an agreement on a scheduling matter, the parties may request a conference call.

Motion to Seal

Patent Owner stated that it may file a motion to seal at some point in the instant proceeding. The parties are directed to the requirements of 37 C.F.R. § 42.54 and the instructions for filing documents in the Patent Review Processing System (PRPS) on the Board's website at <http://www.uspto.gov/ip/boards/bpai/prps.jsp>. If a party believes there is a need to file certain information under seal at some point in this proceeding, the party may file a motion to seal containing a proposed protective order.

The proposed protective order may be a copy of the Board's default protective order. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,771 (Aug. 14, 2012). If not, the party's motion should identify specifically how the proposed protective order differs from the Board's default protective order, explain why every change is warranted, and include with the motion a separate redlined version of the proposed protective order showing the differences. The parties also are reminded that they must confer with each other before filing any motion to seal. *See* 37 C.F.R. § 42.54(a).

Motion to Amend

Patent Owner stated that it had not determined yet whether it intends to file a motion to amend. If Patent Owner decides to file a motion to amend, Patent Owner must request a conference call and confer with the Board before doing so. *See* 37 C.F.R. § 42.121(a). The parties are referred to *Idle Free Systems, Inc. v. Bergstrom, Inc.*, IPR2012-00027, slip op. at 7–8 (PTAB June 11, 2013) (Paper 26) (informative), and *Toyota Motor Corp. v. American Vehicular Sciences LLC*, IPR2013-00419, slip op. at 4–5 (PTAB Mar. 7, 2014) (Paper 32), for guidance regarding the requirements for motions to amend.

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