

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJITSU SEMICONDUCTOR LIMITED, FUJITSU SEMICONDUCTOR AMERICA, INC., ADVANCED MICRO DEVICES, INC., RENESAS ELECTRONICS CORPORATION, RENESAS ELECTRONICS AMERICA, INC., GLOBAL FOUNDRIES U.S., INC., GLOBALFOUNDRIES DRESDEN MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN MODULE TWO LLC & CO. KG, TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC., TOSHIBA AMERICA INC., TOSHIBA AMERICA INFORMATION SYSTEMS, INC., TOSHIBA CORPORATION, and THE GILLETTE COMPANY,
Petitioner,
v.
ZOND, LLC,
Patent Owner.

Cases IPR2014-00807; IPR2014-00808; IPR2014-01099;
IPR2014-01100 (Patent 7,604,716 B2)
Cases IPR2014-00818; IPR2014-00819; IPR2014-00821;
IPR2014-00827; IPR2014-01098 (Patent 6,853,142 B2)¹

Before KEVIN F. TURNER, DEBRA K. STEPHENS, JONI Y. CHANG,
SUSAN L. C. MITCHELL, and JENNIFER M. MEYER,
Administrative Patent Judges.

MEYER, *Administrative Patent Judge.*

ORDER
Requests for Oral Argument
37 C.F.R. § 42.70

¹ This Order addresses the same issue in the above-identified *inter partes* reviews. Therefore, we exercise our discretion to issue one Order to be entered in each case.

Cases IPR2014-00807; IPR2014-00808; IPR2014-01099;
IPR2014-01100 (Patent 7,604,716 B2)
Cases IPR2014-00818; IPR2014-00819; IPR2014-00821;
IPR2014-00827; IPR2014-01098 (Patent 6,853,142 B2)

The Scheduling Orders for these proceedings provided that an oral hearing would be conducted if the hearing is requested by the parties and granted by the Board. Paper 11.² The parties request oral hearing pursuant to 37 C.F.R. § 42.70 in each above-identified *inter partes* review. Paper 48; Paper 49. On May 21, 2015, a conference call was held between respective counsel for the parties and Judges Turner, Stephens, Chang, Mitchell, and Meyer. Petitioner requested the conference call to discuss the timing and logistics of the oral hearing. Although we scheduled a consolidated oral hearing for these proceedings involving Patent No. 6,853,142 B2 and Patent No. 7,604,716 B2, as requested by the parties, for efficiency (Paper 36), we are mindful of the logistical challenges for the parties. During the conference call, we encouraged the parties to confer and reach an agreement regarding these issues. On May 28, 2015, the parties emailed their proposals to the Board. Ex. 3002. Upon consideration of the facts before us, we hereby grant the parties' requests for a consolidated oral hearing as to the above-identified *inter partes* reviews.

The hearing will commence at **10:00 AM ET on June 12, 2015**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. For each involved patent, each party will have one hour of total time to present arguments in the manner provided here in this Order. Any representation made by counsel at the consolidated hearing is applicable to and useable in each proceeding that has an underlying basis for the representation. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Thus, Petitioner will open the hearing by presenting its case regarding the challenged

² All citations are to IPR2014-00807, as representative.

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IPR2014-00827; IPR2014-01098 (Patent 6,853,142 B2)

claims for which we instituted trial. Petitioner may reserve some of its argument time for rebuttal. Thereafter, Patent Owner will respond to Petitioner's presentation. After the parties' presentation for the first involved patent,³ a lunch break will be provided. The hearing will resume at **1:30 PM ET**, for the second involved patent.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing and will be entered in the record of each proceeding. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing date. Barring any objections to the demonstratives by the opposing party, the parties are authorized to file any demonstrative exhibits in this proceeding in PRPS three business days prior to the oral hearing date. The parties also should note that one or more members of the panel will be attending the hearing electronically from a remote location and will not be able to view the projection screen in the hearing room. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to avoid confusion, and to ensure the clarity and accuracy of the reporter's transcript.

If there are objections to the demonstratives, the party raising the objections must communicate those objections via email to Trials@uspto.gov. Any objection to demonstrative exhibits that is not presented timely will be considered waived.

³ The parties are encouraged to confer and reach an agreement, prior to the oral hearing, as to which involved patent should be presented first.

Cases IPR2014-00807; IPR2014-00808; IPR2014-01099;
IPR2014-01100 (Patent 7,604,716 B2)
Cases IPR2014-00818; IPR2014-00819; IPR2014-00821;
IPR2014-00827; IPR2014-01098 (Patent 6,853,142 B2)

The objections should identify with particularity which demonstratives are subject to objection and include a short (one sentence or less) statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections and schedule a conference if deemed necessary.

Otherwise, the Board will reserve ruling on the objections until at or after the oral argument. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (The Board has the discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives.).

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party expects 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 special requests for audiovisual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication not less than five days before the hearing, directed to the above email address.

Cases IPR2014-00807; IPR2014-00808; IPR2014-01099;
IPR2014-01100 (Patent 7,604,716 B2)
Cases IPR2014-00818; IPR2014-00819; IPR2014-00821;
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