

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION, and
HTC AMERICA, INC.,¹
Petitioner,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR2015-01500 (Patent 7,321,368 B2)
Case IPR2015-01501 (Patent 7,777,753 B2)
Case IPR2015-01502 (Patent 7,542,045 B2)²

Before JAMES B. ARPIN, MATTHEW R. CLEMENTS, and
SUSAN L. C. MITCHELL, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and LG Electronics, Inc. were terminated from this proceeding. *See, e.g.*, IPR2015-01500, Papers 28 and 43.

² This Order addresses issues pertaining to all three proceedings. Therefore, we exercise our discretion to issue one Order to be filed in each proceedings. The parties are not authorized to use this style heading for any subsequent papers.

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The Revised Scheduling Orders set September 19, 2016, as the date for oral arguments, if requested by the parties and granted by the Board. IPR2015-01500, Paper 31; IPR2015-01501, Paper 31; IPR2015-01502, Paper 31.³ Both Petitioner and Patent Owner have requested oral argument. Papers 39, 40. Patent Owner does not request a specific length of time to argue each proceeding. Paper 39, 2. Petitioner requests sixty (60) minutes in total to argue all of these proceedings together.⁴ Paper 40, 1.

The parties' requests for oral argument are *granted*. Because there is significant overlap in the issues and references under consideration in these proceedings, oral arguments for these three proceedings will be heard together; and each party will have a total of sixty (60) minutes to present its arguments for all three proceedings. Petitioner will open the hearing by presenting its arguments regarding the challenged claims for which we instituted each review. Petitioner may reserve time for rebuttal arguments. Patent Owner then will respond to Petitioner's arguments. Petitioner then may present rebuttal arguments during its reserved rebuttal time.

The hearing for these proceedings will commence at 11:00 AM Mountain Time on September 19, 2016, at the Rocky Mountain Regional Office of the USPTO, located on the 14th Floor of the Byron G. Rogers Federal Building, 1961

³ Throughout the remainder of this Order, we cite to the papers filed in IPR2015-01501. Patent Owner has filed similar papers in IPR2015-01500 and IPR2015-01502, and Petitioner has filed similar papers in IPR2015-01502.

⁴ Although the three proceedings will be argued *together* at a single hearing, we shall base our Final Written Decisions on the record for each *individual* proceeding.

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Stout Street, Denver, Colorado, 80294.⁵ Counsel and other attendees will need a picture ID in order to enter the Byron G. Rogers Federal Building. The parties are advised to check-in with security on the 14th floor at least thirty (30) minutes before the hearing is set to begin.

The hearing room in the Rocky Mountain Regional Office can accommodate the lead counsel and a back-up counsel for each party at its respective counsel table and one hearing room attendee for each party. Other party attendees will be accommodated in an overflow room located across the hall from the hearing room. The hearing will be open to the public for in-person attendance. Members of the public will be accommodated based on space available in the overflow room on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

At least seven (7) business days prior to the hearing, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during the oral arguments. *See* 37 C.F.R. § 42.70(b). The parties also shall provide the demonstrative exhibits to the Board at least five (5) business days prior to the oral arguments by e-mailing them to **Trials@uspto.gov**. **The parties shall not file any demonstrative exhibits in these proceedings without our prior authorization.** Demonstrative exhibits are not evidence, but merely visual aids for use during the hearing. Demonstrative exhibits may not introduce new evidence or raise new arguments, but instead, should cite only to arguments and evidence

⁵ Because we are coordinating this hearing across three time zones, we will not break for lunch and do not anticipate a recess during the hearing. The parties should plan accordingly.

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already in the record. 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) and *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, (PTAB Oct. 23, 2013) (Paper 118), for guidance regarding the appropriate content of demonstrative exhibits.

The parties should attempt in good faith to resolve any objections to demonstratives prior to involving the Board. The parties must initiate a conference call with the Board at least two (2) business days before the hearing to present any *unresolved* objection regarding the propriety of any demonstrative exhibit. Any unresolved objection to demonstrative exhibits that is not timely presented will be deemed waived. The Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice. To aid in the preparation of an accurate transcript, each party shall provide paper copies of its demonstratives to the court reporter on the day of the oral arguments. Such paper copies shall **not** become part of the record of this proceeding.

The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number), paper, or exhibit referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that two members of the panel will be attending the hearing electronically from remote locations and that, if any demonstrative is not made fully available or visible to the judges presiding over the hearing, that demonstrative will not be considered. Because of limitations of the audio transmission systems in our hearing rooms, the presenter may speak only when standing at the hearing room lectern. If the parties have questions as to

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whether demonstrative exhibits would be sufficiently available and visible to each panel member, the parties are invited to contact the Board at (571) 272-9797.

The Board expects each lead counsel for each party to be present in person at the hearing. If a party anticipates that a lead counsel will not be attending the hearing, the parties should initiate a joint telephone conference with the Board no later than seven (7) business days prior to the hearing to discuss the matter. Any counsel of record, however, may present a party's arguments.

Lead counsel and back-up counsel may use portable computers in the hearing room at the counsel tables and at the hearing room lectern. The parties may not use such computers to make an audio or video recording of the hearing or to link to the Internet at any time during the hearing or from the hearing room. 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 e-mail address not less than five (5) days before the oral arguments. If the request is not received timely, the equipment may not be available on the day of the hearing. Please note, however, that information projected in the hearing room in Denver may not be visible to the panel members participating in the hearing from remote locations.

ORDER

It is

ORDERED that the hearing for these proceedings shall take place beginning at 11:00 AM Mountain Time on September 19, 2016, at the Rocky Mountain Regional Office of the USPTO.

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