

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., and
LG ELECTRONICS U.S.A., INC.,
Petitioner,

v.

TOSHIBA SAMSUNG STORAGE TECHNOLOGY KOREA
CORPORATION,
Patent Owner.

Case IPR2015-01642 (Patent 6,721,110 B2)
Case IPR2015-01644 (Patent 6,785,065 B1)
Case IPR2015-01653 (Patent RE43,106 E)
Case IPR2015-01659 (Patent 7,367,037 B2)¹

Before KALYAN K. DESHPANDE, MICHAEL R. ZECHER, and
TREVOR M. JEFFERSON, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

ORDER
Oral Argument
37 C.F.R. § 42.70

¹ This Order addresses an issue that is identical in all four cases. We, therefore, exercise our discretion to issue one Order to be filed in each of the four cases. The parties, however, are not authorized to use this style heading in any subsequent papers.

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In the Scheduling Order dated February 1, 2016 (Paper 10²), oral argument was scheduled to be held on October 4, 2016, if requested by the parties. Per our Order dated August 23, 2016, oral argument was reset to October 6, 2016. Paper 27. Petitioner and Patent Owner have requested oral argument. Papers 29, 30. The parties' requests are *granted*.

The oral argument will be conducted in two sessions on Thursday, October 6, 2016, as follows: (1) a morning session, commencing at 9:00 AM Eastern Time; and (2) an afternoon session, commencing at 1:00 PM Eastern Time. During the morning session, each party will have thirty (30) minutes of oral argument time for Case IPR2015-01642 and 30 minutes of oral argument time for Case IPR2015-01644. Each case will be argued separately. During the afternoon session, each party will have 30 minutes of oral argument time for Case IPR2015-01653 and 30 minutes of oral argument time for Case IPR2015-01659. Each case will be argued separately.

The Board will provide a court reporter for the oral argument and the reporter's transcript will constitute the official record of the oral argument. The hearing transcript will be entered in the record of this proceeding.

Petitioner bears the ultimate burden of proof that Patent Owner's patent claims at issue are unpatentable. Therefore, at oral argument, Petitioner will proceed first to present its case with respect to the challenged

² All citations are to Case IPR2015-01642 unless otherwise noted. Petitioner has filed similar papers in Cases IPR2015-01644, IPR2015-01653, and IPR2015-01659, and, therefore, we only provide citations to Case IPR2015-01642 unless otherwise noted.

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patent claims and grounds with respect to which trial was instituted. Petitioner may reserve some of its argument time for use in further presentation after Patent Owner has responded to Petitioner's initial presentation. Patent Owner will respond to Petitioner's initial presentation, having available to it the entirety of its allotted argument time. Thereafter, Petitioner may make use of the time it has reserved to rebut Patent Owner's presentation.

The oral argument will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. In-person attendance will be accommodated on a first-come, first-served basis.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days prior to the hearing. They shall be filed with the Board two business days prior to the hearing, and the parties must initiate a conference call with the panel at least two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. Any dispute over the propriety of demonstrative exhibits that is not timely presented two business days prior to the hearing will be considered waived. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (October 23, 2013), regarding the appropriate content of demonstrative exhibits.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made at least five business days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is

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not received timely, the equipment may not be available on the day of the hearing.

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 these proceedings. 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 ensure the clarity and accuracy of the reporter's transcript.

We expect lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at hearing, we should be notified via a joint telephone conference call no later than two business days prior to the hearing to discuss the matter.

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