

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASUSTEK COMPUTER, INC. and
ASUS COMPUTER INTERNATIONAL,
Petitioner,

v.

AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE. LTD.,
Patent Owner.

Cases¹
IPR2016-00646 (Patent 5,870,087)
IPR2016-00647 (Patent 6,430,148 B1)

Before GLENN J. PERRY, PATRICK R. SCANLON, and J. JOHN LEE,
Administrative Patent Judges.

SCANLON, *Administrative Patent Judge.*

ORDER
Oral Argument

¹ This Order addresses issues pertaining to both cases. Thus, we exercise our discretion to issue a single order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2016-00646 (Patent 5,870,087)
IPR2016-00647 (Patent 6,430,148 B1)

IPR2016-00646 and IPR2016-00647 have been consolidated only for oral argument on May 17, 2017.

Petitioner's and Patent Owner's Requests for Oral Argument in IPR2016-00646 (Papers 20 and 21) are granted. Petitioner's and Patent Owner's Requests for Oral Argument in IPR2016-00647 (Papers 25 and 26) are granted.

Please note the time and location of the hearing. The hearing will commence at 9:00 AM on May 17, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are to contact the Board at least 7 days in advance of the hearing to discuss the matter.

Each party will have 45 minutes of oral argument time for each of the cases, which will be argued separately. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in each review are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. After Petitioner's presentation, Patent Owner will respond to Petitioner's argument. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. The parties may also address any pending motions during their respective presentations.

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The parties are reminded that under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served **at least seven business days** before the hearing date. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to Trials@uspto.gov. Demonstrative exhibits *shall not* be filed unless a party receives prior authorization from the Board.

The parties must file any objections to the demonstratives with the Board **at least two business days** before the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived. 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 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. No live testimony from any witness will be taken at the oral argument.

The Board expects lead counsel for Petitioner and Patent Owner to be present at the hearing, although any back-up counsel may make the actual presentation, in whole or in part. If lead counsel for a party will not be in attendance at the hearing, the Board should be notified via a joint conference call no later than **two days prior** to the hearing to discuss the matter.

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IPR2016-00647 (Patent 6,430,148 B1)

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 seven business days** before the hearing, directed to the above email address.

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