

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.,
Petitioner,

v.

POLARIS INNOVATIONS LTD.,
Patent Owner.

Case IPR2016-01621 (Patent 6,438,057 B1)
Case IPR2016-01622 (Patent 6,850,414 B2)
Case IPR2016-01623 (Patent 7,315,454 B2)¹

Before JEAN R. HOMERE and KEN B. BARRETT,
Administrative Patent Judges.

BARRETT, *Administrative Patent Judge.*

ORDER
Oral Argument
37 C.F.R. § 42.70

¹ This Paper will be entered in each case. The parties are not authorized to use this caption style.

IPR2016-01621 (Patent 6,438,057 B1)
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Petitioner Kingston Technology Company, Inc. and Patent Owner Polaris Innovations Ltd. requested, in each of the above-captioned cases, oral argument pursuant to 37 C.F.R. § 42.70(a). The requests are *granted*.

The hearings will commence at 1:00 PM ET, on Tuesday, November 14, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The hearings will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. The Board will provide a court reporter, and the reporter's transcript will constitute the official record of the hearings.

Each party will have a total of thirty (30) minutes to present arguments for each case.

In IPR2016-01621 and IPR2016-01623, Petitioner will proceed first to present its case with respect to the challenged patent claims and grounds with respect to which the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's arguments. Petitioner may reserve some of its argument time to respond to Patent Owner's presentation.

In IPR2016-01622, Petitioner will argue first and may present arguments regarding the challenged claims on which we instituted trial and may present arguments directed to Patent Owner's Motion to Amend. Patent Owner then will have the opportunity to respond to Petitioner's arguments. Next, Petitioner may use any time it has reserved for rebuttal to respond to Patent Owner's arguments. Finally, Patent Owner may use any

IPR2016-01621 (Patent 6,438,057 B1)
IPR2016-01622 (Patent 6,850,414 B2)
IPR2016-01623 (Patent 7,315,454 B2)

time it has reserved for rebuttal to respond only to Petitioner's arguments regarding Patent Owner's Motion to Amend.

The parties are reminded that the demonstrative exhibits must be served and filed in accordance with 37 C.F.R. § 42.70(b).

The Board asks that the parties attempt to resolve objections to the demonstratives, and if any objections cannot be resolved, the parties must file those objections with the Board no later than November 9, 2017. Any objection to demonstrative exhibits that is not timely presented 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 may refer to *St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) regarding the appropriate content of demonstrative exhibits.

Requests for audio-visual equipment are to be made five (5) business days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

The Board expects lead counsel for each party to be present at the hearings, although lead or back-up counsel of record may make the presentation. If either party anticipates that its lead counsel will not attend the oral argument, the parties should initiate a joint telephone conference

IPR2016-01621 (Patent 6,438,057 B1)
IPR2016-01622 (Patent 6,850,414 B2)
IPR2016-01623 (Patent 7,315,454 B2)

with the Board no later than two business days prior to the oral hearing to discuss the matter.

Accordingly, it is

ORDERED that oral argument will commence at 1:00 PM ET, on Tuesday, November 14, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

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