

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION, GLOBALFOUNDRIES U.S., INC., MICRON
TECHNOLOGIES, INC., and SAMSUNG ELECTRONICS
COMPANY, LTD.,
Petitioner,

v.

DANIEL L. FLAMM,
Patent Owner.

Cases IPR2017-00279, IPR2017-00280, IPR2017-00281, and IPR2017-
00282 (Patent RE40,264 E);
Case IPR2017-00391 (Patent 6,017,221); and
Cases IPR2017-00392 and IPR2017-00406 (Patent 5,711,849)

Record of Oral Hearing
Held: March 7, 2018

Before CHRISTOPHER L. CRUMBLEY, JO-ANNE M. KOKOSKI, and
KIMBERLY McGRAW, *Administrative Patent Judges*.

Cases IPR2017-00279, IPR2017-00280, IPR2017-00281, and IPR2017-00282 (Patent RE40,264 E);
Case IPR2017-00391 (Patent 6,017,221); and
Cases IPR2017-00392 and IPR2017-00406 (Patent 5,711,849)

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Cases IPR2017-00279, IPR2017-00280, IPR2017-00281, and IPR2017-00282 (Patent RE40,264 E);
Case IPR2017-00391 (Patent 6,017,221); and
Cases IPR2017-00392 and IPR2017-00406 (Patent 5,711,849)

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The above-entitled matter came on for hearing on Wednesday, March 7, 2018, commencing at 10:00 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

Cases IPR2017-00279, IPR2017-00280, IPR2017-00281, and IPR2017-00282 (Patent RE40,264 E);
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P R O C E E D I N G S

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JUDGE CRUMBLEY: Good morning, everyone. So today we have oral hearing in seven related inter partes review trials. I'll list the case numbers, IPR2017-00279, 280, 281, 282, 391, 392 and 406, involving three patents for which Daniel Flamm is the Patent Owner. Intel, Global Foundries and Micron are the original Petitioners, and then I have Samsung Electronics being added -- joined as a Petitioner in seven other cases. I'm not going to list the case numbers for all of those.

So I'm Judge Crumbley. To my right is Judge Kokoski and to my left is Judge McGraw. Let's get the parties' appearances, starting with Patent Owner.

MR. LESKO: Lead counsel for the Patent Owner, Justin Lesko. And with me I have Rolf Stadheim.

JUDGE CRUMBLEY: Who do we have for the Petitioners?

MR. McFARLAND: Lead counsel for the Intel Petitioners. And with me is my partner, Chad Campbell.

MR. LANG: Lead counsel for Micron, Jason Lang. With me is Jared Bobrow.

JUDGE CRUMBLEY: Anyone else for the Petitioners want to make an appearance?

MR. MODI: Good morning, Your Honors. Naveen Modi on behalf of Samsung. And with me I have Chetan Bansal.

Cases IPR2017-00279, IPR2017-00280, IPR2017-00281, and IPR2017-00282 (Patent RE40,264 E);
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1 MR. TENNANT: David Tennant from White & Case for
2 GlobalFoundries. With me, Nathan Zhang and Jason Xu.

3 JUDGE CRUMBLEY: Some of you are probably going to
4 have to tell the reporter after the fact your names because we don't have
5 microphones back there. So I assume that you have all agreed amongst
6 yourselves who is making the presentation today. Is it you, Mr.
7 Campbell?

8 MR. CAMPBELL: It is, Your Honor.

9 JUDGE CRUMBLEY: Are you arguing all of the cases?

10 MR. CAMPBELL: No, just the ones directed to the '264
11 patent.

12 JUDGE CRUMBLEY: And then who are we going to hear
13 from for the other topics?

14 MR. LANG: Your Honor, Jason Lang from Micron for the '221
15 patent.

16 JUDGE CRUMBLEY: Very good.

17 MR. BOBROW: And Jared Bobrow, and I'll be addressing the
18 remaining patent, the '849 patent.

19 JUDGE CRUMBLEY: Okay. It's good to have everyone here.
20 We put the procedure in our hearing order, but just so we are all on the
21 same page, let's just run through it real quick. So the 279 through 282
22 cases all involve the reissued '264 patent. So we are going to argue those
23 together. I think it makes sense to do that. So we gave 45 minutes total
24 argument time per each side on those four cases. You can allocate those

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