

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP., CAVIUM, INC., DELL INC., and
WISTRON COPORATION,
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner.

Case IPR2017-01391¹ (Patent 7,237,036 B2)
Case IPR2017-01392 (Patent 7,337,241 B2)
Case IPR2017-01406 (Patent 7,673,072 B2)

INTEL CORP., CAVIUM, INC., and DELL INC.,
Petitioner,

v.

ALACRITECH, INC.,
Patent Owner.

¹ Cavium, Inc., which filed petitions in Cases IPR2017-01707, IPR2017-01718, and IPR2017-01728; Dell Inc., which filed petitions in Cases IPR2018-00371, IPR2018-00372, and IPR2018-00375; and Wistron Corporation, which filed petitions in Cases IPR2018-00327, IPR2018-00328, and IPR2018-00329, have been joined as petitioners in IPR2017-01391, IPR2017-01392, and IPR2017-01406.

IPR2017-01391 (Patent 7,237,036 B2)
IPR2017-01392 (Patent 7,337,241 B2)
IPR2017-01393 (Patent 9,055,104 B2)
IPR2017-01405 (Patent 7,124,205 B2)
IPR2017-01406 (Patent 7,673,072 B2)
IPR2017-01409 (Patent 8,131,880 B2)
IPR2017-01410 (Patent 8,131,880 B2)

Case IPR2017-01393² (Patent 9,055,104 B2)
Case IPR2017-01405 (Patent 7,124,205 B2)
Case IPR2017-01409 (Patent 8,131,880 B2)
Case IPR2017-01410 (Patent 8,131,880 B2)

Before STEPHEN C. SIU, DANIEL N. FISHMAN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

BOUDREAU, *Administrative Patent Judge*.

ORDER³
Oral Hearing
35 U.S.C. § 316(a)(10) and 37 C.F.R. § 42.70

² Cavium, Inc., which filed petitions in Cases IPR2017-01714, IPR2017-01735, IPR2017-01736, and IPR2017-01737; and Dell, Inc., which filed petitions in Cases IPR2018-00336, IPR2018-00338, IPR2018-00339, and IPR2018-00374 have been joined as petitioners in IPR2017-01393, IPR2017-01405, IPR2017-01409, and IPR2017-01410.

³ This order addresses issues that are similar in all identified cases. We exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style heading in subsequent papers.

IPR2017-01391 (Patent 7,237,036 B2)
IPR2017-01392 (Patent 7,337,241 B2)
IPR2017-01393 (Patent 9,055,104 B2)
IPR2017-01405 (Patent 7,124,205 B2)
IPR2017-01406 (Patent 7,673,072 B2)
IPR2017-01409 (Patent 8,131,880 B2)
IPR2017-01410 (Patent 8,131,880 B2)

Petitioner Intel Corporation and Patent Owner Alacritech, Inc. have requested an oral hearing in each of the captioned proceedings pursuant to 37 C.F.R. § 42.70. *See* IPR2017-01391, Papers 51, 53; IPR2017-01392, Papers 55, 57; IPR2017-01393, Papers 46, 47; IPR2017-01405, Papers 53, 54; IPR2017-01406, Papers 55, 57; IPR2017-01409, Papers 51, 53; IPR2017-01410, Papers 51, 53. Petitioner requests 3.5 hours of argument time and Patent Owner requests 1.5 hours of argument time per side for a combined hearing of all seven cases. *See, e.g.*, IPR2017-01391, Papers 51, 53.

Although the cases have not been consolidated or joined, we determine that they entail overlapping issues such that oral argument will be provided in a single hearing to commence at **9:30 am Pacific Time on September 13, 2018**, on the 3rd floor of the USPTO's **Silicon Valley Regional Office, 26 South 4th Street, San Jose, California**.⁴

Petitioner Intel and Patent Owner Alacritech, Inc. each will have ninety minutes of *total* argument time. The parties may allocate their argument time at their discretion over each of the cases. Petitioner will proceed first to present its case with regard to the challenged claims. Petitioner may reserve some, but not more than one half, of its argument time for rebuttal. Thereafter, Patent Owner will respond to Petitioner's case

⁴ Information concerning the Silicon Valley Regional Office can be found in the USPTO website at <https://www.uspto.gov/about-us/uspto-locations/silicon-valley-california>.

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and also may reserve some of its argument time, for sur-rebuttal. Next, Petitioner may use any time it has reserved for rebuttal to respond to Patent Owner's specific arguments presented at the hearing. Then, Patent Owner may present a brief sur-rebuttal if it has reserved time. No live testimony from any witness will be taken at the oral argument.

The hearing will be open to the public for in-person attendance, to be accommodated on a first-come, first-served basis. The parties are advised that the hearing room has limited capacity. Therefore, to facilitate access to the regional office hearing room, each party is asked to ***email the Board*** (Trials@uspto.gov), at least five business days prior to the hearing, indicating the number of attendees for its side (attorneys and others). If the parties have concerns about disclosing confidential information, they are requested to contact the Board at least ten business days in advance of the hearing to discuss the matter.

Any demonstrative exhibits shall be served at least five business days before the hearing. The parties shall confer regarding any objections to demonstrative exhibits, and file demonstrative exhibits with the Board, as a separate exhibit in accordance with 37 C.F.R. § 42.63, at least three business days prior to the hearing.

The parties are reminded that the demonstrative exhibits presented in this case are not evidence and are intended only to assist the parties in presenting their oral argument to the panel. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. Board of Regents of the*

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University of Michigan, Case IPR2013-00041, slip op. 2–5 (PTAB Jan. 27, 2014) (Paper 65), and *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033, slip op. at 2–4 (PTAB Oct. 23, 2013) (Paper 118), for guidance regarding the appropriate content of demonstrative exhibits. For any issue regarding the proposed demonstrative exhibits that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections at least three business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one concise sentence) of the reason for each objection. No argument or further explanation is permitted. We will consider the objections and may schedule a conference call, if necessary, to discuss them. Typically, however, we reserve ruling on the objections until the hearing or ruling is necessary to resolve the dispute. Any objection to demonstrative exhibits that is not presented timely will be considered waived. Each party also shall provide a hard copy of its demonstrative exhibits to the court reporter at the hearing.

The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number and by content) referenced during each hearing to ensure the clarity and accuracy of the reporter’s transcript. Further, because a consolidated hearing will be conducted for three proceedings, if an argument and/or evidence applies only to a particular proceeding or proceedings, the presenter must identify

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