

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TAIWAN SEMICONDUCTOR MANUFACTURING COMPANY, LTD.,
Petitioner,

v.

GODO KAISHA IP BRIDGE 1,
Patent Owner.

Case IPR2017-01841¹
Case IPR2017-01843²
Patent 7,893,501 B2

Before JUSTIN T. ARBES, JENNIFER MEYER CHAGNON and
MELISSA A. HAAPALA, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ Case IPR2017-01842 has been consolidated with Case IPR2017-01841.

² Case IPR2017-01844 has been consolidated with Case IPR2017-01843.

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The date for oral argument in these proceedings, if requested by the parties and granted by the Board, was previously set to September 6, 2018. IPR2017-01841, Paper 12; IPR2017-01843, Paper 12. Both parties requested oral hearing pursuant to 37 C.F.R. § 42.70. IPR2017-01841, Papers 32, 36; IPR2017-01843, Papers 29, 32. The parties' requests for oral hearing are *granted*.

The hearings will commence at 1:00 pm Eastern Time, on Thursday, September 6, 2018, and will be conducted at the **USPTO Central Headquarters in Alexandria, Virginia** (the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314). At least one judge may participate in the hearing via videoconference from a remote location; counsel for the parties, however, must appear in person. The hearings will be open to the public via in-person attendance on a first-come, first-served basis. The Board will provide a court reporter for the hearings, and the reporter's transcript will constitute the official records of the hearings. The respective hearing transcript will be entered into the record of each proceeding.

The hearings will be conducted according to the following schedule: Case IPR2017-01841 will be argued first. Each party will have sixty (60) minutes to present arguments for this proceeding. At the conclusion of these arguments, there will be a short break. Following the break, Case IPR2017-01843 will be argued. Each party will have sixty (60) minutes to present arguments for this proceeding.

In each of the above-referenced cases, the arguments will proceed as follows: Petitioner will argue first and may present arguments regarding the instituted grounds. Patent Owner will then have the opportunity to respond

to Petitioner's arguments. Any outstanding Motions may be argued during the moving party's allotted time. Thereafter, Petitioner may use any time it has reserved for rebuttal to respond to Patent Owner's arguments; Petitioner may not reserve more than half its total time allotted for rebuttal. Patent Owner may then use any reserved sur-rebuttal time, if requested, to address Petitioner's rebuttal; Patent Owner may reserve up to ten minutes for its sur-rebuttal.

Pursuant to the parties' agreement, demonstrative exhibits must be served by August 30, 2018. Demonstrative exhibits are visual aids to oral argument and not evidence, and should be clearly marked as such. For example, each slide may be marked with the words "DEMONSTRATIVE EXHIBIT – NOT EVIDENCE" in the footer. Demonstrative exhibits may not be used to advance arguments or introduce evidence not previously presented in the record. *See Dell Inc. v. Acceleron, LLC*, 884 F.3d 1364, 1369 (Fed. Cir. 2018) (noting that the "Board was obligated to dismiss [the petitioner's] untimely argument . . . raised for the first time during oral argument"). Instead, demonstrative exhibits should cite to the briefs and evidence in the record. Demonstrative exhibits, marked as noted above, should be filed in accordance with 37 C.F.R. § 42.70(b), and no later than September 5, 2018.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. Each party also shall provide a hard copy of its demonstrative exhibits to the court reporter at the hearing. There is no need to provide a hard copy of the demonstrative exhibits for the panel. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of*

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Michigan, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

For any objections to demonstrative exhibits that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections, no later than September 5, 2018. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one sentence) of the reason for each objection. No argument or further explanation is permitted. We will reserve ruling on the objections until the hearing, or after the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived. As demonstrative exhibits are not themselves evidence, the Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice.

The parties are reminded that each 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. The parties should note that at least one member of the panel will be attending the hearing electronically from a remote location and that if a demonstrative exhibit is not filed or otherwise made fully available to the judge presiding over the hearing remotely, that demonstrative exhibit will not be considered. The parties also should note that a panel member appearing remotely will not be able to hear the parties unless they speak into the microphone at the podium. Further, documents presented on the Elmo projector are not visible to remote judges, so please plan accordingly. If the parties have questions as to whether demonstrative exhibits would be

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sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797.

The Board expects lead counsel for each party to be present in person at the hearings, although any backup counsel may make the actual presentation, in whole or in part. If either party anticipates that its lead counsel will not be attending the oral arguments, that party should contact the Board by e-mail at Trials@uspto.gov no later than two days prior to the hearing to initiate a joint telephone conference with the other party and the Board to discuss the matter.

The parties are reminded to direct their requests for audio-visual equipment to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the above email address not less than five days before the hearing. If the request is not received timely, the equipment may not be available on the day of the hearing.

It is

ORDERED that oral argument for these proceedings shall take place beginning at 1:00 pm Eastern Time on September 6, 2018, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria.

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