

Filed on behalf of: Nichia Corporation

Paper _____

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Date filed: January 29, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,

v.

NICHIA CORPORATION,
Patent Owner.

Case IPR2018-00437
Patent 9,537,071

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Scheduling Order, dated July 16, 2018 (Paper 18), Patent Owner Nichia Corporation (“Patent Owner”) respectfully requests oral argument, which is scheduled to be held on March 5, 2019.

Patent Owner Nichia requests a combined oral hearing for the IPR2018-00386 and IPR2017-00437 proceedings with an allocation of 75 minutes per side for the combined hearing. The oral argument in both IPRs is scheduled for March 5, 2019, and involves the same parties, patents of the same family, and overlapping issues. Both trials are in front of the same panel of Administrative Patent Judges.

Pursuant to 37 C.F.R. § 42.70(a), Patent Owner identifies the following issues as among those to be addressed at the oral argument:

- (1) Whether the term “a resin package comprising a resin part and a metal part” is properly construed as referring to a resin package, a resin part, and a metal part (leads) of “a singulated light emitting device;”
- (2) Whether Petitioner has met its burden of proving that the Challenged Claims are unpatentable under 35 U.S.C. §§ 102 and/or 103 over Loh under any of the grounds advanced in the Petition;
- (3) Patent Owner’s Contingent Motion to Amend Claims, including:

- a. Whether the substitute claims are adequately supported and do not enlarge the claims' scope;
 - b. Whether Petitioner has met its burden of proving that the proposed substitute claims are unpatentable under 35 U.S.C. § 103 in view of Hsu (U.S. Patent No. 6,770,498) under any of the grounds advanced in the Opposition to the Motion to Amend;
 - c. Whether, with respect to proposed substitute dependent claim 31, Petitioner has met its burden of proving that a person of ordinary skill in the art would have been motivated to combine Hsu with Glenn (U.S. Patent No. 6,433,277);
- (4) Any issues raised by Petitioner in a request for oral argument;
 - (5) Any procedural or evidentiary issues raised by the parties;¹
 - (6) Rebuttal to Petitioner's presentation on all matters; and

¹ Patent Owner submits that a pre-hearing conference would be appropriate to preview (but not argue) the issues to be discussed at the oral hearing, and to seek the Board's guidance as to particular issues that the panel would like addressed by the parties. *See* Trial Practice Guide Update (August 2018), pp. 19-20. Further, Patent Owner requests a pre-hearing conference to seek early resolution of Patent Owner's motion to strike, if authorized.

- (7) Any other issues or arguments raised in the Papers, in any cited Exhibits, or otherwise raised by the Patent Owner, Petitioner, or the Board.

Patent Owner requests the ability to use audio/visual equipment to display demonstrative exhibits and evidence of record, including the use of a projector and screen for a PowerPoint presentation, an overhead projector (“Elmo”), and other visual display.

Respectfully submitted,

Date: January 29, 2019

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*Counsel for Patent Owner
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of January, 2019, a true and correct copy of the foregoing **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** was served, via electronic mail, upon the following counsel of record for Petitioner Vizio, Inc.:

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