

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLIED MATERIALS, INC.,  
Petitioner,

v.

OCEAN SEMICONDUCTOR LLC,  
Patent Owner.

---

IPR2021-01339 (Patent 8,676,538 B2)  
IPR2021-01340 (Patent 6,725,402 B1)  
IPR2021-01342 (Patent 6,968,248 B1)  
IPR2021-01344 (Patent 6,907,305 B2)<sup>1</sup>

---

Before MIRIAM L. QUINN, JOHN D. HAMANN, and DAVID COTTA,  
*Administrative Patent Judges.*

COTTA, *Administrative Patent Judge.*

HEARING ORDER

---

<sup>1</sup> This Order addresses procedural issues that are common to all four captioned cases. Therefore, we exercise our discretion to issue one Hearing Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2021-01339 (Patent 8,676,538 B2)  
IPR2021-01340 (Patent 6,725,402 B1)  
IPR2021-01342 (Patent 6,968,248 B1)  
IPR2021-01344 (Patent 6,907,305 B2)

## I. ORAL ARGUMENT

### A. *Time and Format*<sup>2</sup>

Oral arguments will commence at **9:00 am on November 15, 2022**, at the Dallas, Texas, USPTO Regional Office.<sup>3</sup> The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Argument is to be presented as follows. Argument for IPR2021-01339 will be presented first, and each side will have **30 minutes** total argument time. After a short break, argument for IPR2021-01340 will proceed, with each side also having each **30 minutes** total. We will break for a lunch break and then we will proceed with a consolidated argument for IPR2021-01342 and IPR2021-01344, with each side also having **30 minutes** of total argument time. For each session, Petitioner will open by presenting its case regarding the challenged claims for which the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's argument. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. In accordance with the Consolidated Trial Practice Guide<sup>4</sup> ("CTPG"), issued in November 2019, Patent Owner may request to reserve time for a brief sur-rebuttal. *See* CTPG 83.

---

<sup>2</sup> If a party is no longer able to appear in-person for the hearing, the party must contact [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) as soon as possible.

<sup>3</sup> If there are any concerns about disclosing confidential information, the parties must contact the Board at [Trials@uspto.gov](mailto:Trials@uspto.gov) at least ten (10) business days before the hearing date.

<sup>4</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

IPR2021-01339 (Patent 8,676,538 B2)  
IPR2021-01340 (Patent 6,725,402 B1)  
IPR2021-01342 (Patent 6,968,248 B1)  
IPR2021-01344 (Patent 6,907,305 B2)

The parties may request a pre-hearing conference in advance of the hearing. *See Id.* at 82. “The purpose of the pre-hearing conference is to afford the parties the opportunity to preview (but not argue) the issues to be discussed at the hearing, and to seek the Board’s guidance as to particular issues that the panel would like addressed by the parties.” *Id.* If either party desires a pre-hearing conference, the parties should jointly contact the Board at [Trials@uspto.gov](mailto:Trials@uspto.gov) at least seven (7) business days before the hearing date to request a conference call for that purpose.

*B. Demonstratives*

As set forth in 37 C.F.R. § 42.70(b), demonstratives shall be served on opposing counsel at least seven (7) business days before the hearing date and filed no later than (3) business days before the day of the hearing.<sup>5</sup>

Demonstratives shall be filed as exhibits in the appropriate proceeding.

Demonstratives are not a mechanism for making new arguments. Demonstratives also are not evidence, and will not be relied upon as evidence. Rather, demonstratives are visual aids to a party’s oral presentation regarding arguments and evidence previously presented and discussed in the papers. Accordingly, demonstratives shall be clearly marked with the words “DEMONSTRATIVE EXHIBIT – NOT EVIDENCE” in the footer. *See Dell Inc. v. Acceleron, LLC*, 884 F.3d 1364, 1369 (Fed. Cir. 2018) (holding that the Board is obligated under its own regulations to dismiss untimely argument “raised for the first time during

---

<sup>5</sup> The parties may stipulate to an alternative schedule for serving demonstratives.

IPR2021-01339 (Patent 8,676,538 B2)  
IPR2021-01340 (Patent 6,725,402 B1)  
IPR2021-01342 (Patent 6,968,248 B1)  
IPR2021-01344 (Patent 6,907,305 B2)

oral argument”). “[N]o new evidence may be presented at the oral argument.” CTPG 85; *see also St. Jude Med., Cardiology Div., Inc. v. The Bd. of Regents of the Univ. of Mich.*, IPR2013-00041, Paper 65, 2–3 (PTAB Jan. 27, 2014) (explaining that “new” evidence includes evidence already of record but not previously discussed in any paper of record).

Furthermore, because of the strict prohibition against the presentation of new evidence or arguments at a hearing, it is strongly recommended that each demonstrative include a citation to a paper in the record, which allows the Board to easily ascertain whether a given demonstrative contains “new” argument or evidence or, instead, contains only that which is developed in the existing record.

Due to the nature of the Board’s consideration of demonstratives and the opportunity afforded for the parties to reach an agreement without involving the Board, the Board does not anticipate that objections to demonstratives are likely to be sustained. Nevertheless, to the extent that a party objects to the propriety of any demonstrative, the parties shall meet and confer in good faith to resolve any objections to demonstratives prior to filing the objections with the Board. If such objections cannot be resolved, the parties may file any objections to demonstratives with the Board no later than the time of the hearing. The objections shall identify with particularity which portions of the demonstratives are subject to objection (and should include a copy of the objected-to portions) and include a one (1) sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections, and may

IPR2021-01339 (Patent 8,676,538 B2)  
IPR2021-01340 (Patent 6,725,402 B1)  
IPR2021-01342 (Patent 6,968,248 B1)  
IPR2021-01344 (Patent 6,907,305 B2)

reserve ruling on the objections.<sup>6</sup> Any objection to demonstratives that is not timely presented will be considered waived.

Finally, the parties are reminded that each presenter should identify clearly and specifically each paper (e.g., by slide or screen number for a demonstrative) referenced during the hearing to ensure the clarity and accuracy of the court reporter's transcript and for the benefit of all participants appearing electronically.

*C. Presenting Counsel*

The Board generally expects lead counsel for each party to be present at the hearing. *See* CTPG 11. Any counsel of record may present the party's argument as long as that counsel is present in person.

*D. Remote Attendance Requests*

Members of the public may request to listen to and/or view this hearing. If resources are available, the Board generally expects to grant such requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board at [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) at least ten (10) business days prior to the hearing date.

*E. Audio/Visual Equipment Requests*

Any special requests for audio-visual equipment should be directed to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov). A party may also indicate any special requests related to appearing at a video hearing, such as a request to accommodate

---

<sup>6</sup> If time permits, the Board may schedule a conference call with the parties to discuss any filed objections.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.