

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CORNING INCORPORATED  
Petitioner

v.

DSM IP ASSETS B.V.  
Patent Owner

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Case IPR2013-00043 (Patent 7,171,103)  
Case IPR2013-00044 (Patent 6,961,508)  
Case IPR2013-00045 (Patent 6,339,666)  
Case IPR2013-00046 (Patent 6,110,593)  
Case IPR2013-00047 (Patent 6,438,306)  
Case IPR2013-00048 (Patent 6,298,189)  
Case IPR2013-00049 (Patent 6,298,189)  
Case IPR2013-00050 (Patent 6,323,255)  
Case IPR2013-00052 (Patent 7,276,543)  
Case IPR2013-00053 (Patent 7,276,543)<sup>1</sup>

Before FRED E. McKELVEY, GRACE KARAFFA OBERMANN,  
JENNIFER S. BISK, SCOTT E. KAMHOLZ, and ZHENYU YANG,  
*Administrative Patent Judges.*

KAMHOLZ, *Administrative Patent Judge.*

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<sup>1</sup> This Order addresses issues that arise in all ten cases. We therefore exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Case IPR2013-00043 (Patent 7,171,103); Case IPR2013-00044 (Patent 6,961,508);  
Case IPR2013-00045 (Patent 6,339,666); Case IPR2013-00046 (Patent 6,110,593);  
Case IPR2013-00047 (Patent 6,438,306); Case IPR2013-00048 (Patent 6,298,189);  
Case IPR2013-00049 (Patent 6,298,189); Case IPR2013-00050 (Patent 6,323,255);  
Case IPR2013-00052 (Patent 7,276,543); Case IPR2013-00053 (Patent 7,276,543)

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

Both Corning and DSM requested oral argument in each of the ten cases listed above. *E.g.*, IPR2013-00043, Papers 81, 82. The Board conferred with the parties on January 22, 2014. The requests are *granted*.

Oral arguments in all ten cases will be consolidated into one hearing that will commence at 10:00 am Eastern Time on February 11, 2014, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. There will be a mid-day break at 12:00 pm, and the hearing will resume at 1:30 pm. Each party will have two hours' total time to present arguments. The cases will be argued in sequence starting with case IPR2013-00043. Once both parties have had an opportunity to present argument as to a case, the hearing will proceed to the next case. Each party may allot its time among the ten cases as it wishes.

For each case, Corning bears the ultimate burden of proof that DSM's patented claims are unpatentable. DSM bears the burden of proof with respect to its motions to amend.

For each case, Corning will open the hearing by presenting its arguments regarding the challenged claims for which the Board instituted trial. DSM will then respond to Corning's argument for that case and also argue in support of its motion to amend claims, if there is one for that case. Each party may reserve time to respond to arguments presented by the other party with some limitations. More specifically, to the extent that Corning

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reserves time, it may respond to DSM's presentation on all matters relating to the case then being argued. To the extent that DSM reserves time, it may respond to Corning's arguments opposing the motion to amend claims in the case then being argued.

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. Although a motion to seal is pending in case IPR2013-00053, the Board exercises its discretion to make the final hearing publically available via in-person attendance. 37 C.F.R. § 42.14. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed. Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing. The Board requests that such exhibits be filed at the Board at least five business days before the hearing. The parties must initiate a conference call with the Board at least two business days before the hearing to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone

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conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

Any special requests for audio visual equipment should be directed to the hearings clerk at 571-272-9797.

Accordingly, it is

ORDERED oral argument in the ten cases listed in the caption of this order shall take place beginning at 10:00 am Eastern Time on February 11, 2014, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria.

For PETITIONER:

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