

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SK HYNIX INC., SK HYNIX AMERICA INC., and SK HYNIX  
MEMORY SOLUTIONS INC.,  
Petitioner,

v.

NETLIST, INC.,  
Patent Owner.

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Case IPR2017-00548 – Patent 8,489,837 B1  
Case IPR2017-00549 – Patent 8,756,364 B1  
Case IPR2017-00560 – Patent 8,689,064 B1  
Case IPR2017-00587 – Patent 8,671,243 B2<sup>1</sup>

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Before STEPHEN C. SIU, MATTHEW R. CLEMENTS, and  
SHEILA F. McSHANE, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

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

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<sup>1</sup> This Order applies to each case. The parties are not authorized to use this heading style. Reference to Exhibits and page numbers will be made to IPR2017-00548.

IPR2017-00548 – Patent 8,489,837 B1  
IPR2017-00549 – Patent 8,756,364 B1  
IPR2017-00560 – Patent 8,689,064 B1  
IPR2017-00587 – Patent 8,671,243 B2

As set forth in the Scheduling Order (Paper 8), oral argument, if requested, is scheduled for February 14, 2018, in connection with these proceedings. Both parties have requested oral argument. Papers 17, 18. The requests are granted.

Oral argument will commence at 1 PM ET on February 14, 2018. The hearing will be conducted on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will be open to the public for in-person attendance, which will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Each party will have thirty (30) minutes of total argument time for each of the four (4) above-identified matters for a total maximum time of two (2) hours per party for all matters combined. The parties may agree to re-allocate the argument time for any of the matters but must maintain the total maximum hearing time of four (4) hours for all arguments presented in all the cases. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, at oral hearing Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial for each corresponding matter. Petitioner may reserve rebuttal time. Thereafter, Patent Owner will argue its opposition to Petitioner's case. Petitioner may use any time Petitioner reserved to rebut Patent Owner's opposition.

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Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may not be available on the day of the hearing. The parties are reminded that the 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.

Under 37 C.F.R. 42.70(b), demonstrative exhibits must be served five business days prior to the hearing. The parties are further directed to request a conference call with the Board no later than three business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are responsible for requesting such a conference sufficiently in advance of the hearing to accommodate this requirement. Any objection to demonstrative exhibits that is not presented timely will be considered waived. The parties may refer to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB October 23, 2013) (Paper 118), and *St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present in person at the oral hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be

IPR2017-00548 – Patent 8,489,837 B1  
IPR2017-00549 – Patent 8,756,364 B1  
IPR2017-00560 – Patent 8,689,064 B1  
IPR2017-00587 – Patent 8,671,243 B2

attending the oral argument, the parties should request a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

It is

ORDERED that oral argument will commence at 1:00 PM ET on February 14, 2018.

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IPR2017-00548 – Patent 8,489,837 B1  
IPR2017-00549 – Patent 8,756,364 B1  
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