

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

NETLIST, INC.
Patent Owner.

IPR2017-00667
Patent 7,532,537 B2

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

McSHANE, *Administrative Patent Judge*.

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

SK hynix Inc., SK hynix America Inc., and SK hynix memory solutions Inc. (“Petitioner”) filed a Corrected Petition requesting *inter partes* review of claims 1–17, 24–38, and 45–55 of U.S. Patent No. 7,532,537 B2 (the ’537 patent), that included three grounds asserting anticipation of some claims by Amidi (“Ground A”), obviousness of some claims over Amidi (“Ground B”), and obviousness of some claims over Amidi and Klein (“Ground C”). Paper 6, 2. On July 21, 2017, we issued a Decision instituting *inter partes* review on all claims and on all grounds. Paper 10, 25.

In Petitioner’s Reply, Petitioner stated that Ground A and Ground B relied upon claim construction that had been rejected by the Federal Circuit during the time the *inter partes* review had been pending, and “[t]o narrow the issues for the Board in this proceeding, Petitioners will not pursue Grounds A and B.” Paper 19, 1, n.1. At the April 24, 2018 oral hearing, the parties agreed to vacating Ground A and Ground B. *See* Transcript of April 24, 2018 (Tr.), Paper 35, 35:1–12, 37:19–25.

In order to memorialize the agreement of the parties, the parties shall file a Joint Motion to Limit the Petition to remove Ground A and Ground B from the proceeding. *See, e.g., Apotex Inc., v. OSI Pharms., Inc., Case IPR2016-01284* (PTAB Apr. 3, 2017) (Paper 19) (granting, after institution, a joint motion to limit the petition by removing a patent claim that was included for trial in the institution decision). The Joint Motion shall be filed within two (2) weeks of the entry of this Order.

In consideration of the foregoing, it is hereby:

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ORDERED that the parties shall file, within two (2) weeks of the date of this Order, a Joint Motion to Limit the Petition to remove Ground A and Ground B from the proceeding.

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