

In The Matter Of:

*LSI Corporation and Avago Technologies U.S., Inc. v.
Regents of the University of Minnesota*

*Hearing
January 3, 2018*

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LSI CORPORATION and AVAGO TECHNOLOGIES U.S., INC.,

Petitioner,

v.

REGENTS OF THE UNIVERSITY OF MINNESOTA,

Patent Owner.

Case IPR2017-01068

Patent 5,859,601

Before ROBERT J. WEINSCHENK, CHARLES J. BOUDREAU and
JACQUELINE T. HARLOW, Administrative Patent Judges.

PER CURIAM.

DATE: January 3, 2018.

TIME: 11:00 a.m. to 11:32 a.m.

LOCATION: Telephonically.

COURT REPORTER: Susan Lozzi, RPR.

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1 P-R-O-C-E-E-D-I-N-G-S

2 JUDGE HARLOW: This is a conference
3 call in IPR2017-01068, LSI and Avago vs. The Regents
4 of the University of Minnesota, and we're on the
5 call today to discuss Patent Owner's request that we
6 stay the proceeding pending Patent Owner's pursuit
7 of an appeal and that appellate process.

8 With that, will counsel please
9 introduce themselves beginning with Patent Owner?

10 MR. GUINTA: Yes. Good -- sorry.
11 Good morning, Your Honors. This is Rich Giunta from
12 Wolf Greenfield appearing with my colleague, Gerry
13 Hrycyszyn, and we are joined on the call by our
14 cocounsel from K&L Gates, Pat McElhinny and Mark
15 Knedeisen.

16 JUDGE HARLOW: Thank you very much.
17 Petitioner?

18 MR. REED: Yes. This is Kristopher
19 Reed, lead counsel for Petitioner. Joining me on
20 the call are backup counsel, Ted Mayle, and pro hac
21 counsel, David Sipiora.

22 JUDGE HARLOW: Okay. Thank you very
23 much. Before we begin with discussing Patent
24 Owner's request, I just wanted to highlight that as

1 the landscape currently stands, the due date for
2 Patent Owner's preliminary response to the petition
3 has been suspended pending any order that may result
4 from this call.

5 With that in mind, Patent Owner, it's
6 our understanding that you intend to file a Notice
7 of Appeal forthwith, and we were wondering if you
8 could give us a time frame on when you plan to file
9 your Notice of Appeal.

10 MR. GUINTA: Yes, Your Honor. So we
11 are -- we are ready and able to file the Notice of
12 Appeal very quickly, within a matter of days.

13 The one question we would like to
14 discuss today is -- our request is that the Board
15 voluntarily suspend the deadline before we file a
16 Notice of Appeal because it's our belief that the
17 law is clear that once we file the Notice of Appeal,
18 the Board will be automatically divested of
19 jurisdiction, and it's unclear to us if we went that
20 route whether the Board would agree and then inform
21 us that the preliminary response deadline is
22 suspended or whether we would need to go to the
23 Federal Circuit and seek an order from the Federal
24 Circuit ordering the Board to suspend the

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