

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

R2 SEMICONDUCTOR, INC.,
Patent Owner.

Case IPR2017-00705; Case IPR2017-00706
Case IPR2017-00707; Case IPR2017-00708
Case IPR2017-01123; Case IPR2017-01124
Patent 8,233,250 B2

Before JAMESON LEE, JEAN R. HOMERE, and JENNIFER S. BISK,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*¹

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

¹ All paper numbers referenced herein are to IPR2017-00705.

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A conference call was held on April 30, 2018. The participants were respective counsel for the parties, and Judges Lee, Bisk, and Homere.

Patent Owner objected to Petitioner's demonstrative slides 50 and 52, on the basis that they do not "present complete evidence."² We explained that in Petitioner's slides, Petitioner may refer to select portions of the evidence. Patent Owner objected to Petitioner's demonstrative slide 106, on the basis that "it appears to present evidence cited in the Petition in support of new arguments in support of Petitioner's opposition to Patent Owner's motions to amend."³ We explained that the objection is based on mere speculation and thus inappropriate. Accordingly, Patent Owner's objections to Petitioner's demonstrative slides 50, 52, and 106 are *denied*.

We asked Patent Owner why it filed confidential versions of the Patent Owner Response, and confidential versions of various exhibits, without having filed a Motion to Seal, as is required by 37 C.F.R. § 42.14. Counsel for Patent Owner provided no answer except that it was an oversight. We authorize Patent Owner to file a Motion to Seal, directed to all the documents it had filed under confidentiality thus far. In that regard, we brought to Patent Owner's attention the following: Paper 27, IPR2017-01053; Papers 25, 41, 46, 47, and 49, IPR2014-00440. Any Motion to Seal must explain why balancing the public interest in knowing the reasoning

² This language is taken from Patent Owner's email communication of April 27, 2018, which we have entered as the next numbered exhibit in the 3000 series. In IPR2017-00705, that is Exhibit 3002.

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behind the Board's patentability determination with Patent Owner's interest in keeping information confidential leads to good cause in sealing the information at issue.

It is

ORDERED that the oral hearing to be held on May 1, 2018, will be open to the public;

FURTHER ORDERED that the confidential version of Patent Owner's demonstrative slides (Paper 75), filed on April 27, 2018, will be expunged;

FURTHER ORDERED that Patent Owner shall have until May 8, 2018, to file a Motion to Seal, addressing the documents it has, thus far, filed with a confidentiality restriction;

FURTHER ORDERED that Petitioner has until May 15, 2018, to file an Opposition to Patent Owner's Motion to Seal; and

FURTHER ORDERED that Patent Owner has until May 20, 2018, to file a Reply to Petitioner's Opposition to Patent Owner's Motion to Seal.

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PETITIONER:

Richard Goldenberg
Donald Steinberg
WILMER CUTLER PICKERING HALE & DORR LLP
richard.goldenberg@wilmerhale.com
don.steinberg@wilmerhale.com

PATENT OWNER:

James Glass
John McKee
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
johnmckee@quinnemanuel.com: