

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner,

v.

PROMOS TECHNOLOGIES, INC.,  
Patent Owner.

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Case IPR2017-01413  
Patent 6,069,507

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Before JAMESON LEE, KEVIN F. TURNER, and JOHN A. HUDALLA,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

ORDER  
Trial Hearing Notice  
35 U.S.C. § 326(a)(10); 37 C.F.R. § 42.70

Both parties requested oral argument pursuant to 37 C.F.R. § 42.70(a). Papers 26, 27. Petitioner indicates that 30 minutes per side would be sufficient time for the parties. Paper 27. Both parties also have requested oral argument in Case IPR2017-01412, which involve the same parties, same counsel for the parties, and same claims as those challenged in this proceeding, i.e., claims 10, 11, 13, and 15 of U.S. Patent No. 6,069,507.

We grant the parties' oral argument requests in this proceeding. Concurrently, we also grant the parties' oral argument requests in Case IPR2017-01412 in a separate paper. Although these two proceedings have not been consolidated, the oral argument for these two proceedings will be consolidated. The parties should note that arguments made at oral argument shall have application only in proceeding(s) the record of which supports the argument. For instance, the references Donnelly, Iwamoto, and Jefferson are not involved in this proceeding. Patent Owner may not argue the issue of anticipation of claims 13 and 15 by Jefferson, and the issue of obviousness of claims 10 and 11 over Donnelly and Iwamoto, in the context of Case IPR2017-01413.<sup>1</sup>

Each party will have 45 minutes of total time to present its argument for both IPR2017-01412 and IPR2017-01413. Petitioner bears the ultimate burden of proof that Patent Owner's original patent claims at issue are unpatentable. Therefore, at oral hearing, Petitioner will proceed first to present its case with respect to all challenged claims and grounds in both proceedings, and Petitioner may reserve some of its argument time for

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<sup>1</sup> In its Request for Oral Argument, Patent Owner incorrectly identified anticipation of claims 13 and 15 by Jefferson, and obviousness of claims 10 and 11 over Donnelly and Iwamoto as issues in this proceeding. Paper 26, 1.

rebuttal. Thereafter, Patent Owner will respond to Petitioner's presentation, having available to it the entirety of its allotted argument time. Finally, Petitioner may make use of the time it has reserved to respond to Patent Owner's presentation.

Neither party filed a Motion to Exclude Evidence, and Patent Owner did not file a Motion to Amend Claims. Thus, the oral hearing will not pertain to those subjects. Also, new arguments not previously presented in the parties' substantive papers in this proceeding should not be raised at oral hearing.

The consolidated hearing will commence at **1:00 PM Eastern Time** on **June 21, 2018**, and will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance 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.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served seven (7) business days prior to the hearing. They shall be filed at the Board at least two business days prior to the hearing, and the parties must initiate a conference call with the Board by two (2) business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. Any dispute over the propriety of demonstrative exhibits that is not timely presented two (2) business days prior to the hearing may be considered as waived. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (October 23, 2013), regarding the appropriate content of demonstrative exhibits.

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 five (5) business 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. The parties also should note that at least one member of the panel will be attending the oral argument electronically from a remote location and that if any demonstrative is not made fully available or visible to the judge presiding over the oral argument, that demonstrative will not be considered. Because of limitations of the audio transmission systems in our hearing rooms, the presenter may speak only when standing at the hearing room lectern. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797.

The Board expects lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at hearing, the Board should be notified via a joint telephone conference call no later than two (2) business days prior to the hearing to discuss the matter.

IPR2017-01413  
Patent 6,069,507

ORDER

It is

ORDERED that the oral argument requests of the parties are herein *granted*, and that the parties shall take note of the above information about the consolidated oral argument to be held on June 21, 2018.

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