

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

PROMOS TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2017-01418
Patent 6,559,044 B1

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 25, 26. Patent Owner indicates that 30 minutes per side would be sufficient time. Paper 25. Petitioner indicates the same. Paper 26. The oral argument requests are *granted*. New arguments not previously presented in the parties' substantive papers in this proceeding should not be raised at oral hearing.

Each party will have 30 minutes of total time to present its argument. 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, and Petitioner may reserve some of its argument time for 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.

Patent Owner did not file a Motion to Amend Claims but did file a Motion to Exclude Evidence. Paper 24. If Patent Owner desires to argue this motion, Patent Owner may raise the matter during its main argument time and reserve some of its argument time for rebuttal directed only to this matter. Petitioner will not have further rebuttal after Patent Owner's rebuttal.

The oral argument will commence at **2:00 PM Eastern Time** on **August 16, 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. 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 any judge on the panel, 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.

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 oral argument to be held on August 16, 2018.

IPR2017-01418
Patent 6,559,044 B1

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