

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

LONE STAR SILICON INNOVATIONS, LLC,
Patent Owner.

Case IPR2017-01560, Patent 5,912,188
Case IPR2017-01561, Patent 5,912,188
Case IPR2017-01562, Patent 6,097,061
Case IPR2017-01563, Patent 6,103,611¹

Before KRISTINA M. KALAN and ELIZABETH M. ROESEL,
Administrative Patent Judges.

ROESEL, *Administrative Patent Judge.*

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

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

IPR2017-01560, Patent 5,912,188
IPR2017-01561, Patent 5,912,188
IPR2017-01562, Patent 6,097,061
IPR2017-01563, Patent 6,103,611

Pursuant to the Board's prior authorization in email correspondence with the parties (*see* Attachment A), Patent Owner filed a Sur-reply in response to Petitioner's Reply and a supplemental declaration of Dr. W.R. Bottoms in each of the above-referenced proceedings. Paper 31, Ex. 2025.² In our email correspondence with the parties (*see* Attachment A), we authorized additional discovery and filings responsive to Patent Owner's Sur-reply. The parties agreed to a schedule for the additional discovery and filings (*see* Attachment B), which we now adopt.

Accordingly, it is hereby:

ORDERED that, in each of the above-captioned cases, Petitioner may cross-examine Dr. Bottoms regarding the supplemental declaration and, not later than August 27, 2018, file a motion for observations on cross-examination;

FURTHER ORDERED that, in Case IPR2017-01563, not later than August 27, 2018, Petitioner may file a seven-page response to Patent Owner's Sur-reply, limited to the issues addressed by sections II.A.2 and II.A.3 of Petitioner's Reply and by Patent Owner's Sur-reply;

FURTHER ORDERED that, not later than August 31, 2018, Patent Owner may submit responses to observations in each of the above-captioned cases; and

FURTHER ORDERED that Due Dates 4–7 remain in place.

² We cite to papers and exhibits filed in Case IPR2017-01560. Similar papers and exhibits have been filed in Cases IPR2017-01561, IPR2017-01562, and IPR2017-01563.

IPR2017-01560, Patent 5,912,188
IPR2017-01561, Patent 5,912,188
IPR2017-01562, Patent 6,097,061
IPR2017-01563, Patent 6,103,611

PETITIONER:

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PATENT OWNER:

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Nicholas T. Peters
David Gosse
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Attachment A

From: [Trials](#)
To: [Nicholas Peters](#)
Cc: [Timothy Maloney](#); [Bobrow, Jared](#); [Lang, Jason](#); [Lonestar IPR](#); [David Gosse](#); [Trials](#)
Subject: RE: IPR2017-01560, -01561, -01562, -01563: Patent Owner Motion to Strike and Requests for Surreply
Date: Thursday, August 2, 2018 8:55:34 AM

Counsel,

The deadline for the sur-reply is Monday, August 6, 2018.

Apologies for any confusion.

Regards,

Carrie M. Johnson
Detailée Supervisory Paralegal Specialist
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
Phone: (571) 272-5169
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From: Nicholas Peters <ntpete@fitcheven.com>
Sent: Wednesday, August 1, 2018 5:10 PM
To: Trials <Trials@USPTO.GOV>
Cc: Timothy Maloney <Tpmalo@fitcheven.com>; Bobrow, Jared <jbobrow@orrick.com>; Lang, Jason <jlang@orrick.com>; Lonestar IPR <lonestar-ipr@fitcheven.com>; David Gosse <DGosse@fitcheven.com>
Subject: RE: IPR2017-01560, -01561, -01562, -01563: Patent Owner Motion to Strike and Requests for Surreply

Mr. Kellogg,

We write to clarify the instructions provided below. The instructions provide a deadline for Patent Owner to file any sur-reply of August 4, 2018, which is this Saturday. Did the Board intend to set the deadline for Saturday? If not, what is the deadline for the filings?

Regards,

Nicholas T. Peters | Partner

FITCH EVEN

Fitch, Even, Tabin & Flannery LLP

Attachment A

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From: Trials <Trials@USPTO.GOV>

Sent: Wednesday, August 1, 2018 2:47 PM

To: Nicholas Peters <ntpete@fitcheven.com>; Trials <Trials@USPTO.GOV>

Cc: Timothy Maloney <Tpmalo@fitcheven.com>; Bobrow, Jared <jbobrow@orrick.com>; Lang, Jason <jlang@orrick.com>; Lonestar IPR <lonestar-ipr@fitcheven.com>; David Gosse <DGosse@fitcheven.com>

Subject: RE: IPR2017-01560, -01561, -01562, -01563: Patent Owner Motion to Strike and Requests for Surreply

Counsel:

In each of the above-referenced cases, the Board grants Patent Owner's request for authorization to file a sur-reply and a supporting declaration under the following conditions: Any sur-reply and supporting declaration shall be filed no later than August 4, 2018, and shall reference this authorization. Each sur-reply and supporting declaration is limited to seven pages and is limited to the issues specifically identified by Patent Owner in the July 31, 2018 e-mail. Any supporting declaration shall be from the same declarant previously relied upon by Patent Owner (Dr. Bottoms). In response to any supporting declaration, Petitioner shall be entitled to cross-examine Dr. Bottoms and submit observations on cross-examination. Patent Owner may submit responses to observations. In Case IPR2017-01563, Petitioner may submit a seven-page response to Patent Owner's sur-reply, limited to the issues addressed by sections II.A.2 and II.A.3 of Petitioner's reply and by Patent Owner's sur-reply. The parties shall meet and confer and agree on a schedule for each case that does not change Due Date 7 (oral argument date of Sept. 18, 2018). The parties shall submit their agreed proposed schedule(s) by email to the Board no later than August 3, 2018.

In view of the foregoing, Patent Owner's request for leave to file a motion to strike in IPR2017-01563 is denied, and no telephone conference with the panel is necessary at this time.

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
Direct: 571-272-5366

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