UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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TOSHIBA CORPORATION, TOSHIBA MEMORY CORPORATION, AND
TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.,
Petitioners,

v.

MACRONIX INTERNATIONAL CO., LTD.,
Patent Owner.
_____

Case IPR2017-01632
Patent 8,035,417 B1
_____

Record of Oral Hearing
Held: September 14, 2018
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Before KEN B. BARRETT, JENNIFER S. BISK, and JASON M. REPKO,
Administrative Patent Judges.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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      The above-entitled matter came on for hearing on Friday, September 14, 2018, commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314.

1	P R O C E E D I N G S
2	- - - - -
3	JUDGE BARRETT: Good afternoon, everyone. We are on
4	the record for the final hearing in IPR 2017-01632. Toshiba
5	versus Macronix International.
6	I'm Judge Barrett, and with me at the bench is
7	Judges Bisk and Repko.
8	Let's get the parties' appearances. Who do we have
9	from petitioner?
10	MR. HAMILTON: Your Honor, Kevin Hamilton from DLA
11	Piper on behalf of petitioner. And with me is Joe Sekimura,
12	also from DLA Piper.
13	JUDGE BARRETT: Welcome.
14	And for patent owner?
15	MR. CHU: Christian Chu with Fish & Richardson on
16	behalf of Macronix International. With me is my colleague,
17	Christopher Dreyer.
18	JUDGE BARRETT: We issued a hearing order in this
19	case that set forth the procedure, but I'll remind everybody.
20	Each party will have 60 minutes total time to
21	present arguments. For clarity of the transcript, please
22	identify the slides you are referring to. That will make
23	for a much cleaner transcript.
24	Petitioner will go first, and you may reserve time
25	for rebuttal, patent owner will then have an opportunity to
26	present its response, and then petitioner may use any

1   rebuttal time remaining.

2   I'll be watching the clock, and I will give counsel

3   a warning when you're approaching the end.

4   Any questions?

5   MR. CHU: No, Your Honor.

6   MR. HAMILTON: No, Your Honor.

7   JUDGE BARRETT: Okay. Well, with that, you may

8   begin.

9   MR. HAMILTON: Thank you, Your Honor. I have three

10   copies of -- hard copies of petitioner's demonstratives,

11   but -- would you like those?

12   JUDGE BARRETT: We're okay. We have them pulled up

13   on our screen. The court reporter may want a copy before the

14   end of the day, though.

15   MR. HAMILTON: Excellent.

16   Thank you, Your Honor. Good afternoon, Your Honors.

17   Good afternoon.

18   Kevin Hamilton and Gerald Sekimura from DLA Piper on

19   behalf of the petitioner, Toshiba Corporation.

20   Your Honor, I would like to reserve 25 minutes for

21   rebuttal, if that's possible.

22   Your Honor, I'm pulling up Slide 2 of Toshiba's

23   demonstratives.

24   What is shown on Slide 2 is, on the left we have an

25   excerpt from the Background section of the '417 patent, and

26   on the right-hand side, we have an excerpt from the

1   beginning of patent owner's response.

2   And what this slide shows is the -- is Macronix's

3   position, and frankly, the patent's position regarding what

4   the purported invention was.

5   And the purported invention was, quite simply, it

6   was an output buffer circuit with variable drive strength.

7   That's what was the title, and that's what the invention was

8   supposed to be.

9   These -- both of these excerpts identified problems

10   with the prior art, and the problems with the prior art

11   included the fact that the prior art, the output buffer

12   circuits had a fixed drive strength. You couldn't change

13   the drive strength, you could only turn it on or off.

14   And what that meant was, if you had -- if a designer

15   needed an output buffer circuit, he either had to design an

16   output buffer circuit using a one -- one-size-fits-all

17   approach, which was not always efficient, or he had to go

18   and customize each and every output buffer circuit for its

19   particular -- for its particular use. And that was very

20   time-consuming, and the specifications had an enormously

21   complicated design.

22   And so that's what Macronix initially says its

23   patent was, an output buffer circuit having variable drive

24   strength.

25   But, of course, the scope of the patent is

26   determined by its claims, so let's look at Claim 1.

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