

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUAWEI DEVICE CO., LTD.,
Petitioner,

v.

MAXELL, LTD.,
Patent Owner.

Case IPR2018-00233
Patent 6,754,440 B2

Before MINN CHUNG, TERRENCE W. McMILLIN, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Petitioner and Patent Owner each request an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 26, 27. Petitioner requests 45 minutes of total argument time (Paper 26, 1), and Patent Owner requests 30 minutes of argument time for its argument (Paper 27, 1). The parties' requests for oral hearing are GRANTED.

Each party will have 30 minutes of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Petitioner will, therefore, begin by presenting its case regarding the challenged claims and grounds on which we instituted trial. Patent Owner will then respond to Petitioner's arguments and present argument on Patent Owner's Motion to Exclude (Paper 30). Petitioner may reserve time to reply to arguments presented by Patent Owner. Finally, Patent Owner may request to reserve time to present a brief sur-rebuttal.

The hearing shall commence at 1:00 p.m. (PST) on February 21, 2019 at the Silicon Valley Regional Office, Third Floor, 26 S. Fourth Street, San Jose, California 95113. The hearing will be open to the public for in-person attendance. Seating will be available on a first-come, first-served basis. The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served seven business days before the hearing. The parties also shall provide the demonstrative exhibits to the Board at least three business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board.

The Board reminds the parties that demonstrative exhibits are not evidence, but are intended to assist the parties in presenting their oral arguments to the Board. The Board also reminds the parties that demonstrative exhibits are not a mechanism for making arguments not previously addressed in the papers. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties may file any remaining objections with the Board at least three business days before the oral hearing. The objections should identify with particularity the portions of the demonstrative exhibits that are subject to objection and include a one-sentence statement of the basis for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary, or the Board may reserve ruling on the objections until the hearing or after the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

IPR2018-00233
Patent 6,754,440 B2

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 no later than five business days in advance of the hearing date. The request is to be sent directly to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

In light of the foregoing, it is:

ORDERED that the oral hearing, conducted pursuant to the procedures outlined above, shall commence at 1:00 p.m. (PST) on February 21, 2019 at the Silicon Valley Regional Office, Third Floor, 26 S. Fourth Street, San Jose, California.

IPR2018-00233
Patent 6,754,440 B2

PETITIONER:

Peter Chen
David Garr
Greg Discher
Anupam Sharma
COVINGTON & BURLING LLP
pchen@cov.com
dgarr@cov.com
gdischer@cov.com
asharma@cov.com

PATENT OWNER:

Robert Pluta
Amanda Bonner
Saqib Siddiqui
Bryan Nese
MAYER BROWN, LLP
rpluta@mayerbrown.com
asbonner@mayerbrown.com
ssiddiqui@mayerbrown.com
bnese@mayerbrown.com