

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOSCIENCE (ZHUHAI) TECHNOLOGY COMPANY, LTD
AND
INNOSCIENCE AMERICA, INC.,
Petitioner,

v.

EFFICIENT POWER CONVERSION CORPORATION,
Patent Owner.

IPR2023-01383
Patent 8,404,508 B2

Before JON B. TORNQUIST, JEFFREY W. ABRAHAM, and
KIMBERLY MCGRAW, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

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

I. ORAL ARGUMENT

On December 18, 2024, counsel for Petitioner and for Patent Owner appeared before the panel for an oral hearing relating to U.S. Patent No. 8,404,508 (“the ’508 patent”) (Ex. 1001). Among other things, counsel for Petitioner and Patent Owner addressed whether the combination of Yoshida (Ex. 1004) and Beach (Ex. 1005) teaches the “etching away the doped GaN layer, except a portion of the doped GaN layer beneath the gate contact” limitation (“claim element [1e4]”) of the ’508 patent. In particular, the parties disputed whether the modified Yoshida processes having “remnant p-type GaN Islands” outside of the gate region satisfy claim element [1e4].

Having further considered the arguments presented in the briefs and at the oral hearing, the panel has decided the record would benefit from further briefing on the construction of the term “etching away the doped GaN layer, except a portion of the doped GaN layer beneath the gate contact” as recited in claim element [1e4], including whether there can be a region of the doped GaN layer outside the gate contact that is entirely unetched.

In the post-hearing briefing, the parties may rely on evidence already in the record, but may not introduce new evidence.

II. ORDER

It is, therefore:

ORDERED that Petitioner and Patent Owner may each file an opening brief, limited to five pages, addressing the proper claim construction of the term “etching away the doped GaN layer, except a portion of the doped GaN layer beneath the gate contact” as recited in claim 1, including

whether there can be a region of the doped GaN layer outside the gate contact that is entirely unetched;

FURTHER ORDERED, that each party's opening brief is due no later than seven days after the date of this order;

FURTHER ORDERED that Petitioner and Patent Owner may each file a responsive brief, limited to five pages, due no later than seven days after the filing date of the opposing party's opening brief identified above; and

FURTHER ORDERED that neither party shall submit additional evidence.

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