

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LAM RESEARCH CORP.,
Petitioner,

v.

INPRIA CORP.,
Patent Owner.

IPR2024-00033
Patent 9,823,564 B2

Before GRACE KARAFFA OBERMANN, CHRISTOPHER M. KAISER,
and DEBRA L. DENNETT, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
*Correcting Paper 51 and Clarifying Scope
Of Supplemental Briefs due February 19, 2025
37 C.F.R. § 42.5*

I. DISCUSSION

The Board previously issued an Order (Paper 51) that requires correction. *See* Ex. 3009 (Patent Owner’s email, providing the parties’ respective positions on the necessity for clarification of Paper 51). Our corrections to Paper 51, in turn, require our clarification of the scope of the Supplemental Briefs authorized therein, which fall due on February 19, 2025. Paper 51 at 13.

Accordingly, we provide the following corrections and clarifications:

(1) Patent Owner did not improperly file Exhibit 2013 in support of its Sur-reply. In the supplemental briefs due February 19, 2025, the parties shall disregard the discussion in the last two paragraphs of Section II(A)(2), which state otherwise. *See* Paper 51 at 6–7.

(2) The statement that “all trial-phase briefs have been filed” in this proceeding (Paper 51 at 4) is incorrect, as Petitioner’s Sur-reply on the Motion to Amend is due January 16, 2025.

(3) We agree with Patent Owner that Petitioner’s position on the necessity for clarification of Paper 51 includes argument, which is improper in an email communication to the Board, about two assertedly different versions of *Stowers* 2008. Ex. 3009. Any argument relating to that issue shall be confined to the Supplemental Briefs due February 19, 2025, and only as authorized below in subpart (4).

(4) We previously instructed the parties that the Supplemental Briefs due February 19, 2025, shall be “strictly limited to addressing the relevancy of Ms. Stewart’s deposition testimony to the issue of whether *Stowers* 2008 qualifies as prior art against the challenged patent claims.”

Paper 51 at 13. We correct that instruction to conclude “the challenged patent claims and proposed substitute patent claims.”

II. ORDER

Accordingly, it is
ORDERED that Paper 51 is corrected as set forth in this Order; and
FURTHER ORDERED that the scope of the Supplemental Briefs due
February 19, 2025 (Paper 51 at 13) is clarified as set forth in this Order.

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