

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERICAN EXPRESS COMPANY, AMERICAN EXPRESS TRAVEL  
RELATED SERVICES COMPANY, INC., EXPEDIA, INC.,  
HOTELS.COM LP, HOTELS.COM GP, LLC, HOTWIRE, INC., ORBITZ  
WORLDWIDE, INC., PRICELINE.COM, INC., TRAVELOCITY.COM  
LP, and YAHOO! INC.,  
Petitioner,

v.

METASEARCH SYSTEMS, LLC,  
Patent Owner.

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Case CBM2014-00001  
Patent 8,326,924 B1

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Before HOWARD B. BLANKENSHIP, KARL D. EASTHOM, and  
BARBARA A. BENOIT, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

ORDER  
*Trial Hearing*  
37 C.F.R. § 42.10

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We instituted a covered business patent review on March 20, 2014. Paper 29. Both parties requested a hearing pursuant to 37 C.F.R. § 42.70. Papers 63, 64. The requests are *granted*.

Each party will have ninety (90) minutes of total argument time. Petitioner bears the ultimate burden of proving that the claims at issue are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims. Thereafter, Patent Owner will respond to Petitioner's case and also may present its case with regard to its Motion to Amend claims. *See* Paper 46. Patent Owner bears the burden of proof on its Motion to Amend. After Patent Owner's case, Petitioner, using any reserved time, may respond to Patent Owner on all issues. Finally, Patent Owner, using any reserved time, may respond to Petitioner concerning the Motion to Amend.

The hearing will commence at 10:00 AM Eastern Time on December 5, 2014, and will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days prior to the hearing. *See CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (October 23, 2013) (Paper 118) (demonstrative exhibit requirements). At least two (2) business days prior to the hearing, the demonstrative exhibits shall be filed at the Board, and the

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parties must initiate a conference call with the Board to resolve any dispute over the propriety thereof. An untimely request to resolve any dispute over the propriety of the demonstrative exhibits will be considered waived.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment must be made five (5) days in advance of the hearing date at [Trials@uspto.gov](mailto:Trials@uspto.gov). An untimely request may render the equipment unavailable on the day of the hearing.

The Board expects lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at hearing, the Board should be notified via a joint telephone conference call no later than two (2) days prior to the hearing to discuss the matter.

For the foregoing reasons, it is ORDERED that each request for an oral hearing is *granted* as set forth above.

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