

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.¹,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

CBM2015-00015 (Patent 8,118,221 B2)
CBM2015-00018 (Patent 7,942,317 B2)²

Before JENNIFER S. BISK, RAMA G. ELLURU,
JEREMY M. PLENZLER, and MATTHEW R. CLEMENTS,
Administrative Patent Judges.

ELLURU, *Administrative Patent Judge.*

HEARING ORDER
Request for Oral Argument

¹ Apple Inc. has been dismissed as Petitioner from these proceedings. CBM2015-00015, Paper 49, 8; CBM2015-00018, Paper 37, 8.

² This order addresses issues that are the same in all identified cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

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CBM2015-00018 (Patent 7,942,317 B2)

Patent Owner's, Smartflash LLC ("Smartflash"), requests for oral argument in CBM2015-00015 and CBM2015-00018 on January 6, 2015, are granted. Paper 39³, 6; Paper 41, 2. The oral hearing for these two proceedings will commence at approximately 1:00 PM East Eastern Standard Time, on January 6, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. Smartflash will have 15 minutes of total time to present arguments in both cases given that only one claim is at issue in each case. Because Apple Inc. was dismissed from these cases as Petitioner, Apple will not be permitted to participate in the hearing.

The hearing will be open to the public for in-person attendance that 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.

The parties shall provide the demonstrative exhibits to the Board at least *two* business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this case without prior authorization from the Board. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The parties also should note that at least one member of the panel will be attending the hearing electronically from a remote location, and that if a demonstrative is not made fully available to the judge participating in the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently available to all of the judges, the parties are invited to contact the Board at

³ Paper numbers refer to papers in CBM2015-00018.

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(571) 272-9797. The parties are also reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript and the ability of the judge participating in the hearing remotely to closely follow the presenter's arguments.

The Board expects lead counsel for Smartflash to be present in person at the oral hearing. However, lead or backup counsel may present the party's argument. If Smartflash 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.

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 five (5) days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

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PETITIONER (Dismissed):

J. Steven Baughman

Ching-Lee Fukuda

Megan Raymond

ROPES & GRAY LLP

steven.baughman@ropesgray.com

ching-lee.fukuda@ropesgray.com

megan.raymond@ropesgray.com

ApplePTABService-SmartFlash@ropesgray.com

PATENT OWNER:

Michael R. Casey

J. Scott Davidson

DAVIDSON BERQUIST JACKSON & GOWDEY LLP

mcasey@dbjg.com

jsd@dbjg.com