

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner

v.

PATRICK ZUILI,
Patent Owner.

Case CBM2016-00022
Patent 8,326,763 B2

Before JAMESON LEE, GLENN J. PERRY, and MIRIAM L. QUINN,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

ORDER
Conduct of Proceedings
37 C.F.R. § 42.5

On January 9, 2017, a conference call was held. The participants were Judges Lee, Perry, and Quinn, counsel for Petitioner, and Mr. Patrick Zuili appearing *pro se* for Patent Owner. During the conference call, counsel for Petitioner requested authorization to file a Motion for Excusal of Lateness in Requesting Oral Argument, under 37 C.F.R. § 42.5(c)(3).

We informed Petitioner that any such motion shall explain and account for what efforts were expended by Petitioner since the filing of Petitioner's Reply on October 31, 2016, to decide whether to request oral argument. The motion should state, specifically, the date on which the decision was made to request oral argument. If the date of that decision was on or after the due date for requesting oral argument, the motion shall explain why the decision could not have been made earlier. If the decision was made prior to the due date for requesting oral argument, the motion shall explain why the request for oral argument could not have been timely filed. The explanations shall also indicate how many attorneys are included in Customer Number 26565 as identified in Petitioner's Power of Attorney filed on December 17, 2015 (Paper 2), and why, neither the back-up counsel of record nor any of the other attorneys within Customer Number 26565 could have filed a request for oral argument in case Petitioner's lead attorney had an emergency on the due date for requesting oral hearing.

We also explained to Petitioner that no new argument is permitted at oral argument. Petitioner's motion should explain why oral argument is particularly important to Petitioner in this case.

ORDER

It is

ORDERED that Petitioner is authorized to file a motion to excuse lateness in filing its request for oral argument, limited to three pages, by Thursday, January 12, 2017,¹ under 37 C.F.R. § 42.5(c)(3);

FURTHER ORDERED that Patent Owner is authorized to file an opposition, limited to three pages, by January 17, 2017 (Tuesday); and

FURTHER ORDERED that Petitioner is authorized to file a reply, limited to two pages, by Thursday, January 19, 2017.

Counsel for Petitioner:
Saqib Siddiqui
ssiddiqui@mayerbrown.com

Patent Owner (*pro se*):
Patrick Zuili
patrick@tenderbox.tv

¹ During the conference call, we indicated Friday, January 13, 2017. But we now order that any such motion be filed by January 12, 2017.