

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

PROXYCONN, INC.
Patent Owner

Case IPR2012-00026
Case IPR2013-00109
Patent 6,757,717 B1

Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and
MITCHELL G. WEATHERLY *Administrative Patent Judges.*

WEATHERLY, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

Cases IPR2012-00026, IPR2013-00109
Patent 6,757,717 B1

Inter partes review IPR2012-0026 was instituted on December 21, 2012. Paper 17.¹ *Inter partes* review IRP2013-00109 was instituted, joined with IPR2012-0026, and terminated as a separate review on February 25, 2013. Papers 14 and 15 in IPR2013-00109. A Revised Scheduling Order for the joined cases was issued on February 25, 2013, which set the date for oral hearing to November 18, 2013, if hearing is requested by the parties and granted by the Board. Paper 29.

Both parties have requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 50 and 55. Microsoft's and Proxyconn's requests for oral hearing are *granted*. Each party will have one hour to present arguments.

Microsoft, as petitioner, bears the ultimate burden of proof that Proxyconn's claims at issue in this review are unpatentable. Proxyconn bears the burden of proof with respect to its motion to amend (Paper 44). Microsoft will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Proxyconn will then respond to Microsoft's argument and also argue in support of its motion to amend claims. Each party may reserve time to respond to arguments presented by the other party with some limitations. More specifically, to the extent that Microsoft reserves time, it may respond to Proxyconn's presentation on all matters. To the extent that Proxyconn reserves time, it may respond to Microsoft's arguments opposing the motion to amend claims.

The hearing will commence at 10:00 AM, on November 18, 2013, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing will be open to the

¹ Unless otherwise indicated, all references to paper numbers are to papers entered in IPR2012-00026.

public for in-person attendance that will be accommodated on a first-come, first-served basis.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing and filed at the Board at least two business days before the hearing. The parties must initiate a conference call with the Board at least two business days before the hearing to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party 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.

Cases IPR2012-00026, IPR2013-00109
Patent 6,757,717 B1

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