

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KYOCERA CORPORATION  
MOTOROLA MOBILITY, INC.  
Petitioners

v.

SOFTVIEW LLC  
Patent Owner

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Case IPR2013-00004  
Case IPR2013-00257  
Patent 7,831,926

Case IPR2013-00007  
Case IPR2013-00256  
Patent 7,461,353

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Before, BRYAN F. MOORE, BRIAN J. McNAMARA, and  
STACEY G. WHITE, *Administrative Patent Judges*

McNAMARA, *Administrative Patent Judge.*

ORDER  
*Trial Hearing*  
37C.F.R. § 42.70

IPR2013-00004 and IPR2013-00007 were instituted on March 29, 2013. IPR2013-00004, Paper 12, and IPR2013-00007, Paper 12. IPR2013-00257 and IPR2013-00256 were subsequently joined with IPR2013-00004 and IPR2013-00007, respectively. For convenience, the joined proceedings are referred to herein as IPR2013-00004 and IPR-00007. A Scheduling Order, issued in IPR2013-00004 and IPR2013-00007 on March 29, 2013, set the date for oral hearing to January 7, 2014, if hearing is requested by the parties and granted by the Board. IPR2013-00004, Paper 13, and IPR2013-00007, Paper 13. The parties have each filed a request for an oral hearing pursuant to 37 C.F.R. § 41.70. IPR2013-00004, Papers 40, 41, and IPR2013-00007, Papers 39, 40. The requests are granted and the hearings will be conducted together.

In both cases, Patent Owner, Softview LLC, requested that the arguments at the hearing address the proper construction of the claim term “preserving the original page layout, functionality and design,” and the exclusion of Petitioner’s Reply and evidence, raised in a Patent Owner’s Motion to Exclude. IPR2013-00004, Paper 42, and IPR2013-00007, Paper 41. In IPR2013-00004, Patent Owner also requested that the Board hear arguments concerning the patentability of claims 30, 31, 40, 41, 43, 52, 55, 59, 72, and 75, of U.S. Patent 7,831,926. IPR2013-00004, Paper 42. In IPR2013-00007, Patent Owner also requested the Board hear argument on the patentability of claims 1, 33, 36, 43, 48, 51, 52, 58, 59, 66, 118, 138, 139, 149, 183, 252, 283 and 317, of U.S. Patent 7,461,353. IPR2013-00007, Paper 41.

Petitioners, Kyocera Corporation and Motorola Mobility, Inc., jointly requested oral hearing on unpatentability of claims 30, 31, 40, 41, 43, 52, 55, 59, 72, and 75 of the ‘926 Patent and claims 1, 33, 36, 43, 48, 51, 52, 58, 59, 66, 118, 138, 139, 149, 183, 252, 283, and 317 of the ‘353 Patent under 35 U.S.C. § 103

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and associated issues, including the claim construction issues briefed pursuant to our Order. IPR2013-00004, Paper 40 and IPR2013-00007, Paper 39.

The Board will hear argument on all challenges on which the trial has been instituted and on all issues and motions that have not been decided by the Board at the time of the hearing in both IPR2013-00004 and IPR-00007.

Each party will have 90 minutes of total argument time. Petitioners bear the ultimate burden of proof that Patent Owner's claims at issue in these reviews are unpatentable. Therefore, at oral hearing Petitioners will proceed first to present their case with regard to the challenged claims on which basis the Board instituted trial in IPR2013-00004 and IPR2013-00007 and on any outstanding claim construction issues. Thereafter, Patent Owner, who has not moved to amend any claims, will respond to Petitioners' case and present argument concerning its Motion to Exclude. After that, Petitioner will make use of the rest of its time responding to Patent Owner on all issues. Finally, Patent Owner may respond to Petitioners, but only concerning Patent Owner's Motion to Exclude.

There is a strong public policy interest in making all information presented in these proceedings public, as the review determines the patentability of claims in an issued patent and thus affects the rights of the public. This policy is reflected in part, for example, in 35 U.S.C. § 316(a)(1) and 35 U.S. C. § 326(a)(1) which provide that the file of any *inter partes* review or post grant review be made available to the public, except that any petition or document filed with the intent that it be sealed shall, if accompanied by a motion to seal, be treated as sealed pending the outcome of the ruling on the motion.

Accordingly, the Board exercises its discretion to make the oral hearing publically available via in-person attendance.

Specifically, the hearing will commence at 9:00 AM, on January 7, 2014, and it will be open to the public for in-person attendance, on the ninth floor of

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Madison Building East, 600 Dulaney Street, Alexandria, Virginia. In-person attendance will be accommodated on a first come first serve 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 before the hearing and filed at the Board no later than the time of the hearing. Any issue regarding demonstrative exhibits should be resolved prior to the hearing by way of a joint telephone conference call to the Board.

PETITIONER KYOCERA: (via electronic transmission)

Richard P. Bauer ([richard.bauer@kattenlaw.com](mailto:richard.bauer@kattenlaw.com))

Michael Tomsa ([michael.tomsa@kattenlaw.com](mailto:michael.tomsa@kattenlaw.com))

Eric C. Cohen ([eric.cohen@kattenlaw.com](mailto:eric.cohen@kattenlaw.com))

PETITIONER MOTOROLA MOBILITY LLC

John C. Alemanni ([jalemanni@kilpatricktownsend.com](mailto:jalemanni@kilpatricktownsend.com))

Candice C. Decaire ([CDecaire@kilpatricktownsend.com](mailto:CDecaire@kilpatricktownsend.com))

David A. Reed ([DaReed@kilpatricktownsend.com](mailto:DaReed@kilpatricktownsend.com))

PATENT OWNER: (via electronic transmission)

Ben Yorks ([byorks@irell.com](mailto:byorks@irell.com))

Babak Redjaian ([bredjaian@irell.com](mailto:bredjaian@irell.com))