

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVAYA INC., DELL INC., SONY CORPORATION OF AMERICA,
and HEWLETT-PACKARD CO.

Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.

Patent Owner

Case IPR2013-00071¹
Patent 6,218,930

Before JONI Y. CHANG, JUSTIN T. ARBES, and GLENN J. PERRY,
Administrative Patent Judges.

ARBES, *Administrative Patent Judge.*

ORDER
Trial Hearing
35 U.S.C. § 316(a)(10)

¹ Cases IPR2013-00385 and IPR2013-00495 have been joined with this proceeding.

Petitioner Avaya Inc. (“Avaya”) and Patent Owner requested a hearing in this proceeding pursuant to 37 C.F.R. § 42.70(a). Papers 82, 85. The requests are *granted*.

Each party will have sixty (60) minutes of total time to present arguments. Avaya, as the petitioner, bears the ultimate burden of proof that the challenged claims are unpatentable. Therefore, Avaya will proceed first to present its case as to the challenged claims. Avaya may reserve rebuttal time for its case and time for responding to Patent Owner’s case with respect to Patent Owner’s motion to amend. Thereafter, Patent Owner will respond to Avaya’s case, and also present its own case with respect to the motion to amend. Patent Owner may reserve rebuttal time for its case as to the motion to amend claims. After that, Avaya may use the rest of its time to respond to Patent Owner’s presentation on all matters. Finally, if Patent Owner reserves rebuttal time, Patent Owner may address only issues raised by Avaya regarding the motion to amend.

The remaining three Petitioners in the instant proceeding—Dell Inc. (“Dell”), Sony Corporation of America (“Sony”), and Hewlett-Packard Co. (“HP”)—were joined previously and are participating in a limited capacity only. *See* Paper 40 at 10-12; Paper 49 at 10-11. Dell, Sony, and HP each may enter an appearance at the hearing, but may not present arguments.

The hearing will commence at 9:30 AM Eastern Time on January 9, 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. They shall be filed with the Board two business days prior to the hearing and the parties must initiate a conference call with the Board at least two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are directed to IPR2013-00033, Paper 118, dated October 23, 2013, regarding the appropriate content of demonstrative exhibits.

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

Finally, Avaya and Patent Owner in their papers requested authorization to use a projector and screen at the hearing for displaying demonstrative exhibits. The Board will make a projector and screen available. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797.

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