

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EMC CORPORATION

Petitioner

v.

PERSONALWEB TECHNOLOGIES, LLC

Patent Owner

Cases IPR2013-00082 (Patent 5,978,791)

IPR2013-00083 (Patent 6,415,280)

IPR2013-00084 (Patent 7,945,544)

IPR2013-00085 (Patent 7,945,539)

IPR2013-00086 (Patent 7,949,662)

IPR2013-00087 (Patent 8,001,096)¹

Before KEVIN F. TURNER, JONI Y. CHANG, and MICHAEL R. ZECHER,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge*

ORDER

Trial Hearing

37 C.F.R. § 42.70

¹ This Order addresses issues that are identical in all six cases. Therefore, we exercise our discretion to issue one order to be filed in each of the six cases. The parties, however, are not authorized to use this style heading in any subsequent papers. Note that the petitioners for IPR2013-00082 and IPR2013-00083 are EMC Corporation and VMware, Inc.

IPR2013-00082, Patent 5,978,791
IPR2013-00083, Patent 6,415,280
IPR2013-00084, Patent 7,945,544

IPR2013-00085, Patent 7,945,539
IPR2013-00086, Patent 7,949,662
IPR2013-00087, Patent 8,001,096

On May 17, 2013, the instant *inter partes* review was instituted. Paper 21.² Both parties requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 60 and 64. The requests are *granted*. The hearing will commence at 1:00 PM Eastern Time, on **December 16, 2013**.

The above-identified proceedings and the instant proceeding involve the same parties and similar issues. The trial schedules for all six *inter partes* reviews have been synchronized, and the oral hearings have been scheduled on December 16, 2013. Paper 22.

The oral arguments for all six *inter partes* reviews will be merged and conducted at the same time, i.e., not in *seriatim*. Each party will have two hours of total oral argument time for all six proceedings.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue are unpatentable. Therefore, at oral hearing, Petitioner will proceed first to present its case with respect to the challenged claims and grounds the Board instituted trial in all six *inter partes* reviews.

Thereafter, Patent Owner will respond to Petitioner's case. After that, Petitioner will make use of the remainder of its time addressing Patent Owner's responsive presentation.

The hearing will commence at 1:00 PM Eastern Time, on December 16, 2013, and it will be open to the public for in-person attendance, on the ninth floor

² For the purpose of clarity and expediency, IPR2013-00082 is representative and all citations are to IPR2013-00082 unless otherwise noted.

IPR2013-00082, Patent 5,978,791
IPR2013-00083, Patent 6,415,280
IPR2013-00084, Patent 7,945,544

IPR2013-00085, Patent 7,945,539
IPR2013-00086, Patent 7,949,662
IPR2013-00087, Patent 8,001,096

of Madison Building East, 600 Dulaney Street, Alexandria, Virginia 22314.

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. They shall be filed with the Board three 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. For guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to Paper 118 in IPR2013-00033 (October 23, 2013).

The Board expects lead counsel for each party to be present at oral 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 oral argument, the Board should be notified via a joint telephone conference call no later than two business days prior to the oral hearing to discuss the matter.

IPR2013-00082, Patent 5,978,791
IPR2013-00083, Patent 6,415,280
IPR2013-00084, Patent 7,945,544

IPR2013-00085, Patent 7,945,539
IPR2013-00086, Patent 7,949,662
IPR2013-00087, Patent 8,001,096

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