

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION
Petitioner

v.

YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW
UNIVERSITY OF JERUSALEM
Patent Owner

Case IPR2013-00218¹
Patent 6,665,003 B1
Case IPR2013-00219
Patent 7,477,284 B2

Before SALLY C. MEDLEY, KARL D. EASTHOM, and
JAMES B. ARPIN, *Administrative Patent Judges*.

ARPIN, *Administrative Patent Judge*.

ORDER²
Oral Hearing
37 C.F.R. § 42.70

¹ IPR2013-00326 and IPR2013-00327 have been joined with these cases.

² This Order addresses issues that are identical in both cases. Therefore, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

Case IPR2013-00218
Patent 6,665,003 B1
Case IPR2013-00219
Patent 7,477,284 B2

On September 23, 2013, we instituted *inter partes* review in these cases. IPR2013-00218, Paper 16; IPR2013-00219, Paper 16. Both parties have requested an oral hearing pursuant to 37 C.F.R. § 42.70 in each case. IPR2013-00218, Papers 39 and 41; IPR2013-00219, Papers 46 and 48. The requests are *granted*.

The above-identified proceedings involve the same parties and similar issues. We synchronized the trial schedules for both cases and scheduled an oral hearing for each case for the same date. IPR2013-00218, Paper 17; IPR2013-00219, Paper 17. The oral hearings for these cases: IPR2013-00218 (joined with IPR2013-00326) and IPR2013-00219 (joined with IPR2013-00327) will be held in *seriatim*. We conclude that this format will be more helpful to us in organizing the issues of each case for consideration. We shall hear arguments first in IPR2013-00218, followed by arguments in IPR2013-00219. The oral hearings will commence at 1:00 PM, Eastern Time, on June 18, 2014, break at 2:30 PM for fifteen (15) minutes, and then resume upon the completion of the break. Each party will have a total of forty-five (45) minutes for each case to present all arguments relating to that case. IPR2013-00218 shall be submitted for consideration prior to the break, and the parties may not present further oral arguments in IPR2013-00218 thereafter.

Petitioner bears the ultimate burden of proof that Patent Owner's original patent claims at issue in each case are unpatentable. Therefore, at oral hearing, Petitioner will proceed first to present its arguments with respect to the challenged claims and grounds with respect to which we instituted trial in the particular case. Petitioner may reserve some of its argument time, for rebuttal within that oral hearing.

Case IPR2013-00218
Patent 6,665,003 B1
Case IPR2013-00219
Patent 7,477,284 B2

Thereafter, in each oral hearing, Patent Owner will respond to Petitioner's presentation, having available to it the entirety of its allotted argument time for that oral hearing. Upon completion of Patent Owner's presentation, Petitioner may make use of any time that it has reserved, to rebut Patent Owner's presentation.

The hearings will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany 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 hearings, and the reporter's transcripts will constitute the official record of the hearings.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five (5) business days before the hearings and filed at the Board no later than at the time of the hearings. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118, 2-4 (Oct. 23, 2013), regarding the appropriate content of demonstrative exhibits. The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during each hearing to ensure the clarity and accuracy of the reporter's transcripts. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Any issue regarding demonstrative exhibits should be resolved at least two (2) business days prior to the hearings by way of a joint telephone conference call to the Board. The parties are responsible for requesting any such conference sufficiently in advance of the hearings to accommodate this requirement. 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 hearings. However, lead or backup counsel may present the party's argument

Case IPR2013-00218
Patent 6,665,003 B1
Case IPR2013-00219
Patent 7,477,284 B2

in either case. If either party anticipates that its lead counsel will not be attending the oral hearings, the parties should initiate a joint telephone conference with the Board no later than two (2) business days prior to the oral hearings to discuss the matter.

FOR PETITIONER:

Walter Hanley
Michelle Carniaux
Kenyon & Kenyon, LLP
whanley@kenyon.com
mccarniaux@kenyon.com

FOR PATENT OWNER:

David L. McCombs
David O'Dell
Haynes and Boone, LLP
David.mccombs.ipr@haynesboone.com
David.odell.ipr@haynesboone.com

Robert Gerrity
William Nelson
Tensegrity Law Group, LLP
HumanEyes@TensegrityLawGroup.com
Robert.gerrity@tensegritylawgroup.com
William.nelson@tensegritylawgroup.com