

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PERSONALWEB TECHS., LLC and
LEVEL 3 COMMUNICATIONS, LLC,
Patent Owners.

Case IPR2013-00596
Patent 7,802,310 B2

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

On March 26, 2014, the instant *inter partes* review was instituted. Paper 9. Both parties requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 24, 25. The parties' requests are *granted*. The hearing will commence at **1:00 PM EST, on November 17, 2014**.

Although Petitioner identifies the issues to be presented at the oral hearing, Petitioner did not specify the amount of oral argument time it was requesting. Paper 25. On the other hand, Patent Owners request one hour of oral argument time. Paper 24. We have reviewed the parties' requests, including their lists of issues, and we believe a total of two hours of oral argument time for both parties will be sufficient. Accordingly, each party will have sixty (60) minutes of total time to present arguments.

At the oral hearing, Petitioner will proceed first to present its case as to the challenged claims and grounds the Board instituted trial. Thereafter, Patent Owners will respond to Petitioner's case. After that, Petitioner will make use of the rest of its time responding to Patent Owners' presentation.

The hearing 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-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 no later than five business days before the hearing. They shall be filed with the Board no later than 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 *CBS Interactive Inc., v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (PTAB Oct. 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.

Requests for audio-visual equipment are to be made at least five business days in advance of the hearing date by sending the request to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that one panel member will be attending the hearings electronically from a remote location and that if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797.

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For PETITIONER:

David K.S. Cornwell
Mark Rziel
Sterne, Kessler, Goldstein & Fox PLLC
davidc-PTAB@skgf.com
mrygiel-PTAB@skgf.com

For PATENT OWNER:

Joseph A. Rhoa
Updeep (Mickey) S. Gill
Nixon & Vanderhye, PC
jar@nixonvan.com
usg@nixonvan.com