

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

B.E. TECHNOLOGY, L.L.C.,
Patent Owner.

Case IPR2014-00040
Patent 6,771,290 B1

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

Both parties request a hearing in this case pursuant to 37 C.F.R.
§ 42.70. The requests are *granted*.

This case is related to IPR2014-00029, IPR2014-00031, IPR2014-
00033, and IPR2014-00044. Although the petitioners in those cases are

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different than the one in this case, the petitioners in all cases (“collective Petitioners”) request a consolidated hearing, whereby the collective Petitioners would present arguments jointly. *See, e.g.*, IPR2014-00040, Paper 30, 1. Patent Owner agrees with this approach. *See, e.g.*, IPR2014-00040, Paper 31, 1.

The collective Petitioners in IPR2014-00029, IPR2014-00031, IPR2014-00033, IPR2014-00040, and IPR2014-00044 will have sixty (60) minutes total time to present arguments. Patent Owner will have sixty (60) minutes total time to present arguments. The collective Petitioners will proceed first to present the cases with respect to the challenged claims and grounds for which the Board instituted trial in IPR2014-00029, IPR2014-00031, IPR2014-00033, IPR2014-00040, and IPR2014-00044. The collective Petitioners may reserve some argument time for rebuttal. Thereafter, Patent Owner will respond to the collective Petitioners’ presentation.

The hearing for IPR2014-00029, IPR2014-00031, IPR2014-00033, IPR2014-00040, and IPR2014-00044 will commence at 1:00 PM Eastern Time, on December 11, 2014, and it 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 at the Board two business days prior to the hearing, and the parties must initiate a conference

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call with the Board by two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. Any dispute over the propriety of demonstrative exhibits that is not timely presented two business days prior to the hearing will be considered waived. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (October 23, 2013), regarding the appropriate content of demonstrative exhibits.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent 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 Board expects lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at hearing, the Board should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

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