

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

VIRNETX INC.,
Patent Owner.

Case IPR2014-00403 (Patent 7,987,274 B2)
Case IPR2014-00404 (Patent 7,987,274 B2) ¹

Before MICHAEL P. TIERNEY, KARL D. EASTHOM, and
STEPHEN C. SIU, *Administrative Patent Judges*.

TIERNEY, *Administrative Patent Judge*.

ORDER
Trial Hearing
35 U.S.C. § 326(a)(10)

¹ This order addresses an issue that is identical in both cases. Therefore, we exercise discretion to issue one order to be filed in each of the two cases. The parties, however, are not authorized to use this style heading.

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Petitioner requests a hearing in each of the two cases pursuant to 37 C.F.R. § 42.70. Paper 36. Patent Owner does not seek a hearing but would participate to the same extent as Petitioner, should a request for hearing be granted. Paper 35. Petitioner's requests are granted.

There is substantial overlap in the issues raised in the two cases. Accordingly, each party will have sixty (60) minutes total time to present arguments. Petitioner will proceed first to present its case with respect to the challenged claims and grounds for which the Board instituted trial in IPR2014-00403 and -00404. Thereafter, Patent Owner will respond to Petitioner's presentation. Both parties may reserve some of their argument time for rebuttal and Patent Owner will be afforded an opportunity to provide a closing statement along with any rebuttal.

The hearing for these cases will commence at 10:00 a.m. Eastern Time, on April 28, 2015, 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 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.

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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 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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PETITIONER:

Walter Renner

Jeffrey Kushan

Kevin Greene

Joseph Micallef

axf@fr.com

jkushan@sidley.com

IPR38868-0003IP1@fr.com

jmicallef@sidley.com

PATENT OWNER:

Joseph E. Palys

Naveen Modi

Jason Stach

josephpalys@paulhastings.com

naveenmodi@paulhastings.com

Jason.stach@finnegan.com