

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC., SAMSUNG ELECTRONICS AMERICA, INC.,
and SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

MICROGRAFX, LLC,
Patent Owner.

Cases IPR2014-00532 (Patent 5,959,633)
IPR2014-00533 (Patent 6,057,854)
IPR2014-00534 (Patent 6,552,732)¹

Before SALLY C. MEDLEY, RICHARD E. RICE, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This decision addresses a consolidated hearing in three cases. Therefore, we exercise our discretion to issue one Order to be entered in each of the three cases. The parties, however, are not authorized to use this style heading in their papers.

IPR2014-00532 (Patent 5,959,633)

IPR2014-00533 (Patent 6,057,854)

IPR2014-00534 (Patent 6,552,732)

Both Petitioner and Patent Owner requested a hearing. Papers 33 and 34.² Both parties requested a consolidated hearing for IPR2014-00532, IPR2014-00533, and IPR2014-00534 to be held on Monday, May 18, 2015. Petitioner requested one hour of argument time per side cumulative total time for the three cases (two hours total). Patent Owner does not disagree.

The requests are *granted*.

A consolidated hearing for IPR2014-00532, IPR2014-00533, and IPR2014-00534 will be held on May 18, 2015. Each party will have one hour (60 minutes) of time (two hours total) for the three proceedings. The hearing will commence at 10:00 AM Eastern Time, on Monday, May 18, 2015.

Any representation made by counsel at the consolidated hearing is applicable to and useable in all proceedings which have underlying basis for the representation. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing transcript will be entered in the record of each of IPR2014-00532, IPR2014-00533, and IPR2014-00534.

Petitioner bears the ultimate burden of proof that Patent Owner's patent claims at issue are unpatentable. Patent Owner bears the burden of proof to establish that it is entitled to the relief requested in the motion to amend filed in IPR2014-00532. Therefore, at the hearing, Petitioner will proceed first to present its case with respect to the challenged patent claims and grounds with respect to

² Citations herein are to paper and exhibit numbers in IPR2014-00532. Corresponding documents were filed in the other proceedings, in some cases using different paper and exhibit numbers.

IPR2014-00532 (Patent 5,959,633)

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IPR2014-00534 (Patent 6,552,732)

which the Board instituted trial. Patent Owner will then respond to Petitioner's presentation and also present its case in support of its motion to amend claims.

Each party may reserve some time to respond to presentations made by the other party with some limitations. More specifically, to the extent that Petitioner reserves time, it may respond to Patent Owner's presentation on all matters. To the extent that Patent Owner reserves time, it may respond to Petitioner's presentation opposing the motion to amend claims.

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 22314. In-person attendance will be accommodated on a first-come, first-serve basis.

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. Any dispute over the propriety of demonstrative exhibits that is not timely presented two business days prior to the hearing will be considered waived. For guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to Paper 118 in *CBS Interactive Inc. v. Wireless Sciences LLC*, IPR2013-00033 (PTAB October 23, 2013).

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 lead counsel for either party will not be in attendance at hearing, the Board should be notified via a joint telephone conference call no later than two business days prior to the hearing to discuss the matter.

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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.

IPR2014-00532 (Patent 5,959,633)

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