

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION, SONY ELECTRONICS INC.,
SONY MOBILE COMMUNICATIONS AB, and
SONY MOBILE COMMUNICATIONS (USA) INC.,
Petitioner,

v.

MEMORY INTEGRITY, LLC,
Patent Owner.

Case IPR2015-00158 (Patent 7,296,121 B2)

Before JENNIFER S. BISK, NEIL T. POWELL, and
KERRY BEGLEY, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Pursuant to 37 C.F.R. § 42.70(a), Sony Corporation, Sony Electronics Inc., Sony Mobile Communications AB, and Sony Mobile Communications (USA) Inc. (collectively, “Petitioner”) requested a hearing in this proceeding. Paper 31. Specifically, Petitioner requested that we hold a consolidated hearing for this proceeding and IPR2015-00159 and IPR2015-00163, each of which involves the same patent as this proceeding. *Id.* at 1. Memory Integrity, LLC (“Patent Owner”) also requested a consolidated hearing for this proceeding and IPR2015-00159 and IPR2015-00163. Paper 29, 1. In an email to the Board, the petitioner in IPR2015-00159 and IPR2015-00163 agreed to hold a consolidated hearing for this proceeding and IPR2015-00159 and IPR2015-00163. We *grant* the request for a consolidated hearing involving this proceeding and IPR2015-00159 and IPR2015-00163.

The hearing will commence at 10:00 a.m. on February 8, 2016. Petitioner in this proceeding and the petitioner in IPR2015-00159 and IPR2015-00163 (collectively, “Petitioners”) will have 120 minutes of total argument time. Patent Owner will also have 120 minutes of total argument time. The parties may use their allotted argument time as they choose, provided that the order of arguments presented will be as follows.

Petitioners will proceed first to present their cases with regard to the challenged claims on which basis we instituted trial. Thereafter, Patent Owner may respond to Petitioners’ arguments. After that, Petitioners may present arguments responding to Patent Owner’s case regarding the original claims.

Following the parties’ presentations on issues related to the original claims in the challenged patent, we will break for lunch. Following lunch, Patent Owner will proceed first to present its case with regard to its motions to amend.

Thereafter, Petitioners may use any unused portion of their 120 minutes to respond

to Patent Owner's arguments. After that, Patent Owner may use any unused portion of its 120 minutes to respond to Petitioners.

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. In-person attendance at the hearing will be accommodated on a first-come, first-served 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 business days prior to the hearings. The parties shall confer with each other regarding any objections to demonstrative exhibits in each proceeding, and file demonstrative exhibits with the Board at least two business days prior to the hearing. For any issue that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections at least two business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one sentence) of the reason for each objection. No argument or further explanation is permitted. We will consider the objections and schedule a conference call if necessary. Otherwise, we will reserve ruling on the objections until the hearing or after the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived.

The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, slip op. at 2–5 (PTAB Oct. 23, 2013) (Paper 118), 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 the hearings to ensure the clarity and accuracy of the reporter's transcripts.

The Board expects lead counsel for Petitioners and Patent Owner to be present at the hearings, although any back-up counsel may make the actual presentation, in whole or in part. If lead counsel for a party will not be in attendance at the hearings, the Board should be notified via a joint conference call no later than two days prior to the hearings to discuss the matter.

Requests for audio-visual equipment at the hearings are to be made five days in advance of the hearing date. The requests must be sent to *Trials@uspto.gov*. If the requests are not received timely, equipment may not be available on the day of the hearings. Further, 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.

IPR2015-00158 (Patent 7,296,121 B2)

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