

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., HTC CORPORATION, HTC AMERICA, INC.,
SAMSUNG ELECTRONICS CO. LTD,
SAMSUNG ELECTRONICS AMERICA, INC., AMAZON.COM, INC.,
SONY CORP., SONY ELECTRONICS INC.,
SONY MOBILE COMMUNICATIONS AB,
SONY MOBILE COMMUNICATIONS (USA) INC.,
LG ELECTRONICS, INC., LG ELECTRONICS USA, INC., and
LG ELECTRONICS MOBILECOMM USA, INC.,
Petitioner,

v.

MEMORY INTEGRITY, LLC,
Patent Owner.

Cases IPR2015-00159, IPR2015-00163
Patent 7,296,121 B2¹

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

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

IPR2015-00159 (Patent 7,296,121 B2)
IPR2015-00163 (Patent 7,296,121 B2)

Pursuant to 37 C.F.R. § 42.70(a), Apple Inc., HTC Corporation, HTC America, Inc., Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., Amazon.com, Inc., Sony Corp., Sony Electronics Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc., LG Electronics, Inc., LG Electronics USA, Inc., and LG Electronics Mobilecomm USA, Inc. (collectively, “Petitioner”) requested a hearing in these proceedings. IPR2015-00159, Paper 40; IPR2015-00163, Paper 46. Specifically, Petitioner requested that we hold a consolidated hearing for these proceedings. IPR2015-00159, Paper 40, 1; IPR2015-00163, Paper 46, 1. Memory Integrity, LLC (“Patent Owner”) requested a consolidated hearing for these proceedings and IPR2015-00158, which involves the same challenged patent. IPR2015-00159 Paper 39, 1; IPR2015-00163 Paper 45, 1. In an email communication to the Board, Petitioner agreed to hold a consolidated hearing for these proceedings and IPR2015-00158. We *grant* the request for a consolidated hearing involving these proceedings and IPR2015-00158.

The hearing will commence at 10:00 a.m. on February 8, 2016. Petitioner in these proceedings and the petitioner in IPR2015-00158 (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

IPR2015-00159 (Patent 7,296,121 B2)

IPR2015-00163 (Patent 7,296,121 B2)

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

IPR2015-00159 (Patent 7,296,121 B2)

IPR2015-00163 (Patent 7,296,121 B2)

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.

IPR2015-00159 (Patent 7,296,121 B2)

IPR2015-00163 (Patent 7,296,121 B2)

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