

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM, INC.,
Petitioner,

v.

BANDSPEED, INC.,
Patent Owner.

IPR2015-00314 (Patent 7,447,624 B2)¹
IPR2015-00315 (Patent 7,477,624 B2)
IPR2015-00316 (Patent 7,447,624 B2)
IPR2015-00531 (Patent 8,542,643 B2)

Before BART A. GERSTENBLITH, DAVID C. McKONE, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

ORDER
Request for Oral Argument
37 C.F.R. § 42.70

¹ The parties are not authorized to use this style heading in subsequent papers.

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The date for oral argument in each of these proceedings is set for May 26, 2016, if argument is requested by the parties and granted by the Board. Paper 22 (IPR2015-00314), Paper 24 (IPR2015-00315), Paper 22 (IPR2015-00316), Paper 22 (IPR2015-00531). Patent Owner has requested oral argument pursuant to 37 C.F.R. § 42.70. Paper 35 (IPR2015-00314), Paper 37 (IPR2015-00315), Paper 35 (IPR2015-00316), Paper 35 (IPR2015-00531). The request is *granted*.

Each side will have 75 minutes, total, to present argument as to all four cases. 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 consolidated hearing and the reporter's transcript will constitute the official record of the hearing for all four proceedings.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in these reviews are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Petitioner may allocate its time as it wishes among the two patents involved in the four proceedings. After Petitioner's presentation, Patent Owner will respond to Petitioner's argument. Petitioner may reserve time to respond to arguments presented by Patent Owner. Time may not be reserved by Patent Owner.

The hearing will commence at 1:00 PM EDT on May 26, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. At least one member of the panel will be attending the oral argument remotely by use of two-way, audio-visual communication

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equipment. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are requested to contact the Board at least 10 days in advance of the hearing to discuss the matter.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven (7) business days before the hearing date. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least seven (7) business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall *not* file any demonstrative exhibits in this proceeding without prior authorization from the Board.

The parties must file any objections to the demonstrative exhibits with the Board at least two (2) business days before the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The objections should identify with particularity which demonstrative exhibits are subject to objection, and include a short (one sentence or less) statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections and schedule a conference if deemed necessary. Otherwise, the Board will reserve ruling on the objections until after the oral argument. The parties are directed to *St. Jude Med., Cardiology Div., Inc. v. Board of Regents of the*

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Univ. of Mich., IPR2013-00041 (PTAB Jan. 27, 2015) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present in person at the oral argument. However, any counsel of record may present the party's argument. If either party expects that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two (2) business days prior to the argument to discuss the matter.

Any special requests for audio-visual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication not less than five (5) days before the hearing directed to the above email address.

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