

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
ZTE CORPORATION and ZTE (USA) INC.,
Petitioners,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2015-00412¹
Patent 7,365,871 B2

Before JAMESON LEE, GREGG I. ANDERSON, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

Trial Hearing Order
35 U.S.C. § 326(a)(10); 37 C.F.R. § 42.70

¹ IPR2015-01366 has been joined with IPR2015-00412.

Both parties requested a hearing pursuant to 37 C.F.R. § 42.70(a). Paper 40; Paper 42. The request is *granted*.

Also, in response to an inquiry from the Board asking for alternative hearing dates, the parties requested to move the hearing to a date between January 6, 2016 and January 15, 2016. That request also is *granted*.

Each party will have forty-five (45) minutes of total time to present arguments. Petitioner bears the ultimate burden of proof that Patent Owner's original patent claims at issue are unpatentable. Therefore, at oral hearing, Petitioner will proceed first to present its case with respect to the challenged claims and grounds with respect to which the Board instituted trial. Petitioner may reserve some of its argument time for rebuttal.

Thereafter, Patent Owner will respond to Petitioner's presentation, having available to it the entirety of its allotted argument time.

Finally, Petitioner may make use of the time it has reserved to rebut Patent Owner's opposing presentation with regard to the original patent claims.

The hearing will commence at 1:00 PM Eastern Time on **January 8, 2016**, and 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

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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. 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 parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that two panel members will be attending the hearings electronically from a remote location and that if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered. 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.

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

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Board should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

ORDER

It is

ORDERED that Due Date 7 is reset to January 8, 2016, and the oral hearing will commence at 1:00 PM Eastern Time on that date; and

FURTHER ORDERED that, pursuant to the previous agreement of ZTE Corporation and ZTE USA Inc. (Paper 23), arguments on behalf of Petitioner will be presented only by counsel for Apple Inc., unless Apple Inc. has been terminated from this proceeding.

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