

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SUMMIT 6 LLC,
Patent Owner.

Case IPR2015-00806¹
Patent 7,765,482 B2

Before HOWARD B. BLANKENSHIP, GEORGIANNA W. BRADEN, and
KERRY BEGLEY, *Administrative Patent Judges*.

BEGLEY, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ Samsung Electronics Co., Ltd., who filed a Petition in IPR2016-00029, has been joined as a petitioner in the instant proceeding.

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This order addresses the oral hearing in this proceeding as well as IPR2015-00807. In IPR2015-00806, Petitioner Google Inc. (“Google”) and Samsung Electronics Co., Ltd. (collectively, “Petitioners”) filed a request for an oral hearing. IPR2015-00806, Paper 50. In IPR2015-00807, Petitioner Google also requested oral hearing. IPR2015-00807, Paper 43. Patent Owner Summit 6 LLC (“Patent Owner”) requested a consolidated hearing for IPR2015-00806 and IPR2015-00807. IPR2015-00806, Paper 53; IPR2015-00807, Paper 48. Patent Owner further represented that counsel for Patent Owner and Petitioners in both proceedings agreed that the hearings for IPR2015-00806 and IPR2015-00807 “could be concluded in one half-day session.” IPR2015-00806, Paper 53; IPR2015-00807, Paper 48. The parties’ requests for oral hearing are *granted*. In light of the overlap in parties and issues between these related proceedings, which involve the same instituted grounds and related patents, the Board will hold a consolidated hearing for IPR2015-00806 and IPR2015-00807.

The hearing will commence at 1:00PM EST, on May 18, 2016, on the ninth Floor of the Madison Building East, 600 Dulany Street, Alexandria, Virginia. Petitioners will have *sixty minutes* of total argument time to present arguments for IPR2015-00806 and IPR2015-00807. Patent Owner will also have *sixty minutes* of total argument time for the two proceedings. The parties may use their allotted argument time as they choose, provided that the order of arguments will be as follows.

Petitioners will first present arguments regarding the challenged claims and grounds on which the Board instituted trial. Patent Owner will respond to Petitioners’ arguments. To the extent that Petitioners reserve

rebuttal time, Petitioners then may make use of that time to respond to Patent Owner's arguments.

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 will be open to the public for in-person attendance, which will be accommodated on a first-come, first-served basis. If the parties have concerns about disclosing confidential information, subject to an order limiting its disclosure, during the hearing, they should notify the panel by e-mail to Trials@uspto.gov at least *three business days* in advance of the hearing in order to discuss the matter. The parties are encouraged to employ other means to refer to confidential information at the hearing, for example, by citing to a paper or exhibit containing the information or referring to the information in general terms, rather than expressly reciting the confidential information. Furthermore, the parties should not include confidential information in any demonstratives. The parties are reminded that there is a public interest in maintaining a complete and understandable record for public notice purposes and, thus, there is an expectation that information referenced in an *inter partes* review proceeding is to be available to the public. See Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,761 (Aug. 14, 2012).

Under 37 C.F.R. § 42.70(b), the parties shall serve demonstrative exhibits upon each other at least *five business days* before the hearing. The parties also shall provide a courtesy copy of the demonstrative exhibits to the Board at least *three business days* before the hearing by e-mailing them to Trials@uspto.gov. The parties shall provide a hard copy of their demonstratives to the court reporter at the hearing. The parties shall *not* file

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any demonstrative exhibits in these proceedings without prior authorization from the Board. *See* 37 C.F.R. § 42.5(b). The demonstrative exhibits in these proceedings are not evidence and are intended only to assist the parties in presenting their oral argument to the Board.

The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), and *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits.

The parties shall confer regarding any objections to demonstrative exhibits in each proceeding and must file any objections to the demonstrative exhibits with the Board at least *three 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 hearing.

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.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual

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equipment are to be made by e-mail to Trials@uspto.gov at least *five business days* in advance of the hearing date. 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 transcript. The parties also should note that at least one member of the panel will be attending the hearing electronically from a remote location and that demonstratives should be made fully available and visible to the judge presiding over the hearing remotely. 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. Furthermore, because of limitations on the audio transmission systems in the hearing rooms, the presenter may speak only when standing at the hearing room podium.

The Board expects lead counsel for each party to be present in person at the hearing. Backup counsel, however, may present a party's argument, in whole or in part. If any party anticipates that its lead counsel will not be attending the hearing, that party should initiate a joint telephone conference with the other party and the Board no later than *three business days* prior to the hearing to discuss the matter.

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