

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BUNGIE, INC.,
Petitioner,

v.

WORLDS INC.,
Patent Owner.

Case IPR2015-01264 (Patent 7,945,856 B2)
Case IPR2015-01268 (Patent 7,181,690 B1)
Case IPR2015-01269 (Patent 7,493,558 B2)
Case IPR2015-01319 (Patent 8,082,501 B2)
Case IPR2015-01321 (Patent 8,145,998 B2)
Case IPR2015-01325 (Patent 8,145,998 B2)¹

Before KARL D. EASTHOM, KERRY BEGLEY, and JASON J. CHUNG,
Administrative Patent Judges.

CHUNG, *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.

IPR2015-01264, IPR2015-01268, IPR2015-01269
IPR2015-01319, IPR2015-01321, IPR2015-01325

The Updated Scheduling Order set August 17–18, 2016 as the date for oral argument, if requested by the parties and granted by the Board.

IPR2015-01264, Paper 26; IPR2015-01268, Paper 29; IPR2015-01269, Paper 26; IPR2015-01319, Paper 26; IPR2015-01321, Paper 26; IPR2015-01325, Paper 26.² Both Petitioner and Patent Owner have requested oral argument. Papers 34, 35. The parties' requests for oral argument are granted.

The oral hearing will be held only on August 17, 2016. Oral arguments for these cases will commence at 10:00 AM Eastern Time on August 17, 2016, at the Alexandria Office of the USPTO, located on the 9th Floor of the Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314. Counsel and other attendees will need a picture ID in order to enter the Madison Building East. The parties are advised to check-in with security on the 9th floor at least thirty (30) minutes before the hearing is set to begin.

The hearing room in the Alexandria Office can accommodate the lead counsel and a back-up counsel for each party at its respective counsel table. Other members of the parties will be accommodated based on space availability on a first-come, first-served basis. The oral arguments will be open to the public for in-person attendance. Members of the public will be accommodated based on space available in the overflow room on a first-come, first-served basis. The Board will provide a court reporter for the

² Throughout the remainder of this Order, we cite to the papers filed in IPR2015-01264. Similar papers have been filed in IPR2015-01268, IPR2015-01269, IPR2015-01319, IPR2015-01321, and IPR2015-01325.

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hearing, and the reporter's transcript will constitute the official record of the oral arguments.

The parties will present arguments starting at 10:00 AM ET. Each party will have two (2) hours and thirty (30) minutes (i.e., one hundred and fifty minutes) of total argument time to present its arguments for the six cases, IPR2015-01264, IPR2015-01268, IPR2015-01269, IPR2015-01319, IPR2015-01321, and IPR2015-0132. Petitioner will begin by presenting its arguments regarding the challenged claims for which the Board instituted trial for all six cases. Petitioner may reserve time for rebuttal arguments. Patent Owner then will respond to Petitioner's arguments. Petitioner then may present rebuttal arguments during its reserved rebuttal time. The arguments will conclude at approximately 4:00 PM ET.

At least seven (7) business days prior to the oral arguments, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during the oral arguments. *See* 37 C.F.R. § 42.70(b). The parties also shall provide the demonstrative exhibits to the Board at least five (5) business days prior to the oral arguments by e-mailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in these cases. Demonstrative exhibits are not evidence, but merely a visual aid at the oral arguments. Demonstrative exhibits may not introduce new evidence or raise new arguments, but instead, should cite to evidence in the record. 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*, IPR2013-00033, (PTAB Oct. 23, 2013)

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(Paper 118), for guidance regarding the appropriate content of demonstrative exhibits.

The parties should attempt to resolve any objections to demonstratives prior to involving the Board. The parties must email the Board to request a conference call with the Board before 5pm ET at least three (3) business days before the hearing to present any unresolved objection regarding the propriety of any demonstrative exhibit. In the email, the parties 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 schedule a conference if deemed necessary. Otherwise, the Board will reserve ruling on the objections until after the oral hearing. Any unresolved objection to demonstrative exhibits that is not presented timely will be considered waived. The Board requests the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice. To aid in the preparation of an accurate transcript, each party shall provide paper copies of its demonstratives to the court reporter on the day of the oral arguments. Such paper copies shall not become part of the record of this proceeding.

The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number), paper, or exhibit referenced during the oral arguments to ensure the clarity and accuracy of the reporter's transcript.

The Board expects lead counsel for each party to be present in person at the oral arguments. If a party anticipates that its lead counsel will not be attending the oral arguments, the parties should initiate a joint telephone

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conference with the Board no later than seven (7) business days prior to the oral arguments to discuss the matter. Any counsel of record, however, may present the party's arguments.

Lead counsel and back-up counsel may use portable computers in the hearing room at the counsel tables and at the hearing room lectern.

Although "Patent Owner requests that audio/visual equipment be made available at the oral hearing for displaying demonstrative exhibits" (Paper 34, 2), the parties are reminded to direct their requests for audio-visual equipment to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the above e-mail address not less than five (5) days before the oral arguments. If the request is not received timely, the equipment may not be available on the day of the oral arguments.

ORDER

It is

ORDERED that a consolidated oral hearing for IPR2015-01264, IPR2015-01268, IPR2015-01269, IPR2015-01319, IPR2015-01321, and IPR2015-01325 shall commence at 10:00 AM ET on August 17, 2016, on the ninth Floor of the Madison Building East, 600 Dulany Street, Alexandria, Virginia.

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