

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ERICSSON INC. AND TELEFONAKTIEBOLAGET LM ERICSSON,  
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,

Patent

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Case IPR2015-01664  
Patent 7,787,431 B2

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Before JAMESON LEE, JUSTIN BUSCH, and J. JOHN LEE,  
*Administrative Patent Judges.*

BUSCH, *Administrative Patent Judge.*

ORDER  
Trial Hearing Notice  
*37 C.F.R. § 42.70*

The Scheduling Order for this case set the date for oral argument on October 6, 2016, if oral argument is requested by the parties and granted by the Board. Paper 8. Petitioner and Patent Owner each requested oral argument pursuant to 37 C.F.R. § 42.70. Papers 17, 18. Upon consideration, the requests for oral argument are *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 claims are unpatentable. Therefore, at oral hearing, Petitioner will proceed first to present its case regarding the challenged claims and grounds for 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 arguments presented by Patent Owner.

The oral argument will commence at 1:30 PM Eastern Time on October 6, 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 no later than three business days prior to the hearing, and the parties must initiate a conference call with the Board no later than two business days prior to the hearing to resolve any dispute over the propriety of each party's

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demonstrative exhibits. Any dispute over the propriety of demonstrative exhibits that is not timely presented will be considered waived.

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](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may not be available on the day of the hearing.

At least one member of the panel will be attending the oral argument remotely via electronic audio/visual communication equipment. 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 Board should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

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