

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

T-MOBILE US, INC., T-MOBILE USA, INC., TELECOMMUNICATION
SYSTEMS, INC., ERICSSON INC., AND
TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioner,

v.

TRACBEAM, LLC,
Patent Owner.

IPR2015-01681 (Patent 7,764,231 B1), IPR2015-01687 (Patent 7,764,231 B1),
IPR2015-01708 (Patent 7,525,484 B2), IPR2015-01712 (Patent 7,298,327 B2)¹

Before KEVIN F. TURNER, DAVID C. MCKONE, and BARBARA A. PARVIS,
Administrative Patent Judges.

TURNER, *Administrative Patent Judge.*

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

¹ We use this caption in this paper to indicate that this Order applies to, and is entered in, all of the indicated cases. The parties are not authorized to use this caption.

Cases IPR2015-01681, IPR2015-01687, IPR2015-01708, and IPR2015-01712
Patents 7,764,231 B1, 7,525,484 B2, and 7,298,327 B2

According to the Scheduling Orders the above-indicated cases, oral hearings would be conducted on November 8, 9, and 10, 2016, for these proceedings if the hearings are requested by the parties and granted by the Board. *See, e.g.*, IPR2015-01681, Paper 13; IPR2015-01708, Paper 11. Due to subsequent settlement of some of the instituted cases, the hearing dates on November 10, 2016, were dropped. IPR2015-01681, Paper 15. Petitioner requested oral hearing pursuant to 37 C.F.R. § 42.70 in each of the above-cited proceedings. *See, e.g.*, IPR2015-01681, Paper 18. The requests are *granted*.

The hearings will commence on **November 8, 2016**, according to the table below, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. 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 that will be accommodated on a first-come, first-served basis. Members of the panel will be attending the oral argument remotely by use of two-way audiovisual communication equipment and will not be able to view the projection screen in the hearing room.

The oral arguments for all of the post-grant proceedings will be performed in *seriatim*. The schedule of oral arguments is provided in the table below:

Trial Number	Patent No.	Hearing Time (minutes of argument)
IPR2015-01681	7,764,231 B1	1:00PM – 1:45PM (45 minutes)
IPR2015-01687	7,764,231 B1	1:45PM – 2:30PM (45 minutes)
IPR2015-01708	7,525,484 B2	2:45PM – 3:30PM (45 minutes)
IPR2015-01712	7,298,327 B2	3:30PM – 4:15PM (45 minutes)

The panel reserves the right to alter the listed minutes of argument if less or more time is needed for the issues arising in particular proceedings. Additionally,

Cases IPR2015-01681, IPR2015-01687, IPR2015-01708, and IPR2015-01712
Patents 7,764,231 B1, 7,525,484 B2, and 7,298,327 B2

the start and/or end times listed may be altered based on the less or more time allotted in the proceedings.

Each party will have half the total number of minutes of total oral argument time allotted in the table above. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in each review are unpatentable. Therefore, Petitioner will open each hearing by presenting its case regarding the challenged claim(s) for which the Board instituted trial. Patent Owner may thereafter respond and Petitioner may reply to Patent Owner using any reserved rebuttal time.

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. If the parties have any concern about disclosing confidential information, they are to contact the Board at least 10 days in advance of the hearing to discuss the matter.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing date. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to Trials@uspto.gov. Contrary to 37 C.F.R. § 42.70(b), 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 demonstratives with the Board at least two 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 demonstratives 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.

Cases IPR2015-01681, IPR2015-01687, IPR2015-01708, and IPR2015-01712
Patents 7,764,231 B1, 7,525,484 B2, and 7,298,327 B2

Otherwise, the Board will reserve ruling on the objections until after the oral argument. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB January 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. Parties should use care in referring to specific demonstrative slides during the hearing for the benefit of judges attending remotely. No live testimony from any witness will be taken at the oral argument.

The Board expects lead counsel for each party to be present in person at the oral hearing. 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 business days prior to the oral hearing to discuss the matter.

Any special requests for audiovisual 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 days before the hearing, directed to the above email address.

Cases IPR2015-01681, IPR2015-01687, IPR2015-01708, and IPR2015-01712
Patents 7,764,231 B1, 7,525,484 B2, and 7,298,327 B2

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