

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIERRA WIRELESS AMERICA, INC., SIERRA WIRELESS, INC.,  
and RPX CORP.,  
Petitioner,

v.

M2M SOLUTIONS LLC,  
Patent Owner.

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Case IPR2015-01823  
Patent 8,648,717 B2

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Before KALYAN K. DESHPANDE, JUSTIN T. ARBES, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

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

Both parties request oral hearing pursuant to 37 C.F.R. § 42.70. Papers 34, 35. The requests are GRANTED.

Petitioner and Patent Owner request one hour per side. Paper 34, 3; Paper 35, 1. Based on our review of the record, we determine that two hours of oral argument time, in total, is sufficient to address the issues in this proceeding. Accordingly, each party will have one hour of total argument time as requested. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable (35 U.S.C. § 316(e)) and will proceed first to present its case with regard to the challenged claims on which we instituted trial. Thereafter, Patent Owner may respond to Petitioner's case, after which Petitioner may use any of its remaining time for rebuttal.

The hearing will commence at 10:00 AM Eastern Time, on December 5, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, and it will be open to the public for in-person attendance. Attendees will be accommodated on a first come first serve basis.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. Any demonstrative exhibits must be served seven business days before the hearing. 37 C.F.R. § 42.70(b). Demonstrative exhibits are not evidence and may not introduce new evidence or arguments. Instead, demonstrative exhibits 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), regarding the appropriate content of demonstrative exhibits. Any issue regarding demonstrative exhibits should be resolved at least three days prior to the hearing by way of a joint telephone conference call to the Board. The parties are responsible for requesting such a

conference sufficiently in advance of the hearing to accommodate this requirement. Any objection to demonstrative exhibits that is not timely presented will be considered waived. Demonstratives should be filed at the Board no later than two days before the hearing. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

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. 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 at least one member of the panel will be attending the hearing 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 in person at the oral hearing. However, lead or backup counsel may present the party's argument. If either party anticipates 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.

IPR2015-01823  
Patent 8,648,717 B2

FOR PETITIONER:

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