

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

COMARCO WIRELESS TECHNOLOGIES, INC.,  
Patent Owner.

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Case IPR2015-01879  
Patent 8,492,933 B2

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Before BRIAN J. MCNAMARA, PATRICK M. BOUCHER, and  
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

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

As set forth in the Scheduling Order (Paper 16), oral argument, if requested, is scheduled for November 15, 2016, in connection with this proceeding. Petitioner and Patent Owner request oral hearing. Papers 20, 21. The parties' requests for oral hearing are *granted*.

The hearing will commence at 2:00 PM on November 15, 2016, on the ninth floor of the 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.

Each party will have thirty (30) minutes of total oral argument time. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, at oral hearing Petitioner will proceed first to present its case with regard to the challenged claims. Petitioner may reserve rebuttal time. Thereafter, Patent Owner will respond to Petitioner's case. After that, Petitioner will make use of the rest of its time responding to Patent Owner's presentation on all matters. Patent Owner may not reserve rebuttal time.

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 No. IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), and *CBS Interactive Inc. v. Helferich Patent*

*Licensing, LLC*, IPR2013-00033, Paper 118 (PTAB Oct. 23, 2013), 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.

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 2 business days prior to the oral hearing to discuss the matter.

Any special requests for audio-visual equipment should be directed to [Trials@uspto.gov](mailto:Trials@uspto.gov). Requests for special equipment will not be honored unless presented in a separate communication not less than 5 days before the hearing directed to the above email address. 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 hearings electronically from a remote location and that if a demonstrative is

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not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered.

ORDER

Oral argument in IPR2015-01879 will commence at 2:00 PM on November 15, 2016, on the ninth floor of the Madison Building East, 600 Dulany Street, Alexandria, Virginia.

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