

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CORE WIRELESS LICENSING S.A.R.L.,
Patent Owner.

Case IPR2015-01898 (Patent 8,434,020 B2)
Case IPR2015-01899 (Patent 8,713,476 B2)¹

Before JAMESON LEE, DAVID C. MCKONE, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ The Board is entering this Order in each proceeding. The parties are not authorized to use a caption identifying multiple proceedings.

IPR2015-01898 (Patent 8,434,020 B2)

IPR2015-01899 (Patent 8,713,476 B2)

Petitioner and Patent Owner requested a hearing in each of the above proceedings pursuant to 37 C.F.R. § 42.70(a), and further requested that the hearings be consolidated due to the significant overlap of issues between the cases. *See* IPR2015-01898, Papers 31, 34; IPR2015-01899, Papers 31, 34. The requests are *granted*.

These proceedings will be heard in the afternoon of **December 14, 2016**, beginning at **1:00 p.m. Eastern Time**. Given the overlap in these two proceedings, each party will have 45 minutes of total argument time. Each side will present arguments for both proceedings during the allotted time, and statements made in the consolidated hearing will be deemed applicable to whichever case or cases the underlying record of which supports the assertion. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial. Thereafter, Patent Owner will respond to Petitioner's case and present any arguments in support of its motion to exclude.

After that, Petitioner will make use of the rest of its time responding to Patent Owner. There are no motions to amend to be addressed at the hearing. Also, new arguments not previously presented in the parties' substantive papers in this proceeding should not be raised at oral hearing.

The hearings 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 hearings, and the reporter's transcripts will constitute the official record of the hearings.

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Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served seven business days prior to the hearings. The parties shall confer with each other regarding any objections to demonstrative exhibits in each proceeding, and file demonstrative exhibits with the Board at least two business days prior to the hearing. For any issue that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections at least two business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and include a short statement (no more than one sentence) of the reason for each objection. No argument or further explanation is permitted. We will consider the objections and schedule a conference call if necessary. Otherwise, we will reserve ruling on the objections until the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived.

The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, slip op. at 2–5 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits. 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 hearings to ensure the clarity and accuracy of the reporter’s transcripts. The parties also should note that at least one member of the panel will be attending the oral argument electronically from a remote location and that if any demonstrative is not made fully available or visible to the judge presiding over the oral argument, that demonstrative will not be considered. Because of limitations of the audio transmission systems in our hearing rooms, the presenter may speak only when standing at the hearing room lectern.

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The Board expects lead counsel for Petitioners and Patent Owner to be present at the hearings, although any back-up counsel may make the actual presentation, in whole or in part. If lead counsel for a party will not be in attendance at the hearings, the Board should be notified via a joint conference call no later than two days prior to the hearings to discuss the matter.

Requests for audio-visual equipment at the hearings are to be made five days in advance of the hearing date. The requests must be sent to *Trials@uspto.gov*. If the requests are not received timely, equipment may not be available on the day of the hearings. Further, 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.

ORDER

It is

ORDERED that the parties shall take note of the above information about oral hearing to be held on December 14, 2016.

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