

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALARM.COM INC.,  
Petitioner,

v.

VIVINT, INC.,  
Patent Owner.

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Case IPR2015-01965 (Patent 7,884,713 B1)  
Case IPR2015-01977 (Patent 6,924,727 B2)<sup>1</sup>

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Before MICHAEL R. ZECHER, JAMES B. ARPIN, and  
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

ORDER  
Oral Argument  
*35 U.S.C. 316(a)(10) and 37 C.F.R. § 42.70*

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<sup>1</sup> This Order addresses an issue that is identical in both cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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IPR2015-01977 (Patent 6,924,727 B2)

On March 30, 2016, we instituted an *inter partes* review as to claims 1–54 of U.S. Patent No. 7,884,713 B1. Case IPR2015-01965, Paper 12. On March 24, 2016, we instituted an *inter partes* review as to claims 1–9, 14–18, and 22–38 of U.S. Patent No. 6,924,727 B2. Case IPR2015-01977, Paper 13. We issued a Scheduling Order in both proceedings that included the same DUE DATES. Case IPR2015-01965, Paper 13; Case IPR2015-01977, Paper 14. Both parties requested oral argument for these proceedings pursuant to 37 C.F.R. § 42.70(a). Case IPR2015-01965, Papers 30, 31; Case IPR2015-01977, Papers 34, 36. The parties’ requests are *granted-in-part*.

Petitioner, Alarm.com Incorporated (“Alarm.com”), requests twenty-five (25) minutes, in total, to present arguments in Case IPR2015-01965 (Paper 30), and requests seven-five (75) minutes, in total, to present arguments in Case IPR2015-01977 (Paper 34). Patent Owner, Vivint, Incorporated (“Vivint”), requests thirty (30) minutes, in total, to present arguments in Case IPR2015-01965 (Paper 31), and requests seventy-five (75) minutes, in total, to present arguments in Case IPR2015-01977 (Paper 36). We have reviewed the issues that the parties intend to address for each proceeding, but because these proceedings are being heard together in one consolidated hearing, two hours of oral argument time, in total, should be more than sufficient. Accordingly, each party will have one (1) hour of total time to present its arguments in both proceedings.

Alarm.com bears the ultimate burden of proof that the challenged claims are unpatentable based on the grounds of unpatentability (“grounds”) instituted in these proceedings. 35 U.S.C. § 316(e). Alarm.com, therefore, will proceed first to present its case as to the challenged claims and the grounds instituted in Case IPR2015-01965. Alarm.com may reserve rebuttal time. Thereafter, Vivint will respond to Alarm.com’s case. Alarm.com then will make use of its rebuttal time to

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respond to Vivint's case. After completion of all the parties' arguments in Case IPR2015-01965, the parties then will proceed to follow this same procedure for Case IPR2015-01977.

The hearing will commence at 1:00 PM Eastern Time on Wednesday, November 30, 2016, and it will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia (Hearing Room A). In-person attendance will be accommodated on a first-come first-serve basis. We will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits must be served no later than seven (7) business days before the hearing date. They shall be filed with the Board no later than the time of the hearing. Demonstrative exhibits are not evidence, but merely a visual aid at the hearing. Demonstrative exhibits shall not introduce new arguments or evidence. The parties must initiate a conference call with us at least two (2) business days prior to the hearing date to resolve any dispute over the propriety of each party's demonstrative exhibits. For further guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118).

We expect lead counsel for each party to be present at the hearing; however, any backup counsel may make the actual presentation, in whole or in part. *See* Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,758 (Aug. 14, 2012). If lead counsel for either party is unable to attend the hearing, the parties shall request a joint telephone conference call no later than two (2) business days prior to the hearing date to discuss the matter.

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We take this opportunity to remind the parties that each 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 two members of the panel will be attending the hearing electronically from remote locations. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to each of the Administrative Patent Judges presiding over the hearing, the parties are invited to contact the Board at 571-272-9797.

Requests for audio-visual equipment are to be made at least five (5) business days in advance of the hearing date. Such requests must be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the requests are not received timely, equipment may not be available on the day of the hearing.

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