

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

FINJAN, INC.,
Patent Owner.

Case IPR2016-00151¹
(Patent 8,141,154 B2)

Before THOMAS L. GIANNETTI, MIRIAM L. QUINN, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER
Granting Request for Oral Argument
37 C.F.R. § 42.70(a)

¹ Case IPR2016-01071 (filed by Symantec Corp.) has been joined with this proceeding.

The parties have requested an oral hearing in this proceeding pursuant to 37 C.F.R. § 42.70. *See* IPR2016-00151, Papers 36, 37. We grant the parties' requests.

Each party will have **40 minutes** of *total* argument time. 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. After that, Petitioner will make use of the rest of its time responding to Patent Owner. There is no motion to amend to be addressed at the hearing, and, therefore, no rebuttal time will be allotted to Patent Owner.

The panel requests that the parties be prepared also to address the issues briefed in connection with the application of 35 U.S.C. § 315(e)(1). *See* Papers 24 (Order), 30 (Petitioner's Brief) and 31 (Patent Owner's Brief).

The hearing will commence at 1:00 PM Eastern Time on January 24, 2017 at the USPTO, Madison Building, 9th Floor, 600 Dulany Street, Alexandria, Virginia. The hearing will be open to the public for in-person attendance, which will be accommodated on a first come first serve basis. If the parties have concerns about disclosing confidential information, they are requested to contact the Board at least five business days in advance of the hearing to discuss the matter.

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be **served seven business days** before the hearing. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (Oct. 23, 2013), regarding the appropriate content of demonstrative exhibits.

Any issue regarding demonstrative exhibits should be resolved at least two business 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 **emailed** to the Board (Trials@uspto.gov) no later than **two business 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 five business days in advance of the hearing date. The request is to be sent directly to 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 will not be able to view the projection screen in the hearing room.

The Board expects lead counsel for each party (including each of the joined Petitioners) to be present in person at the oral hearing. However, lead or backup counsel of the presenting party may put forward the party's argument.

If either party anticipates that its lead counsel will not be attending the oral hearing, 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.

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