

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION and
PROTECTION ONE, INC.,
Petitioner,

v.

MD SECURITY SOLUTIONS, LLC,
Patent Owner.

Case IPR2016-00285¹
Patent 7,864,983 B2

Before SALLY C. MEDLEY, KARL D. EASTHOM, and WILLIAM M. FINK,
Administrative Patent Judges.

FINK, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

Petitioner, RPX Corporation and Protection One, Inc., and Patent Owner,
MD Security Systems Solutions, LLC, request a hearing in the above proceeding

¹ Protection One, Inc., who filed a Petition in IPR2016-01235, has been joined as a party to the petitioner in this proceeding.

pursuant to 37 C.F.R. § 42.70(a). IPR2016-00285, Papers 19, 20. The requests are *granted*.

This proceeding will be heard on February 15, 2017, beginning at 10:00 a.m. Each party will have 30 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 may make use of the rest of its time responding to Patent Owner. To the extent Petitioner reserves time, it may respond to matters raised in Patent Owner's presentation. A fundamental rule governing our hearings is that the party bearing the burden of persuasion on an issue may speak last on that issue. There is no motion to amend or motion to exclude pending in this proceeding. Therefore, Patent Owner may not reserve time.

The hearing will be open to the public for in-person attendance in Hearing Room A 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 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 prior to the hearing. The parties shall not file any demonstrative exhibits in this case without prior authorization, but should e-mail demonstratives to the Board via *Trials@uspto.gov* three business days before the hearing.

The parties shall meet and confer with each in other in good faith regarding any objections to demonstrative exhibits in the proceeding. 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 or after 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 hearing to ensure the clarity and accuracy of the reporter’s transcripts.

The Board expects lead counsel for Petitioner and Patent Owner to be present at the hearing, 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 hearing, the Board should be notified via a joint conference call no later than two days prior to the hearing to discuss the matter.

We observe that the parties have requested audio-visual equipment, including laptop and screen for displaying documents. *See* Papers 19, 20. Requests for audio-visual equipment at the hearing must 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 hearing. Further, if the parties have questions as to whether demonstrative exhibits

Case IPR2016-00285
Patent 7,864,983 B2

would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at 571-272-9797.

Case IPR2016-00285
Patent 7,864,983 B2

FOR PETITIONER:

Richard Giunta
Daniel Wehner
Randy Pritzker
Rgiunta-PTAB@wolfgreenfield.com
Dwehner-PTAB@wolfgreenfield.com
Rpritzker-PTAB@wolfgreenfield.com

FOR PATENT OWNER:

Jason S. Angell
FREITAS ANGELL & WEINBERG LLP
jangell@fawlaw.com