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Paper 39
Entered: May 18, 2017

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

PERSONALIZED MEDIA COMMUNICATIONS, LLC,
Patent Owner.

Case IPR2016-00754
Patent 8,559,635
Case IPR2016-00755
Patent 8,191,091

Before KARL D. EASTHOM, TRENTON A. WARD, and GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

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

Patent Owner (Paper 33, Paper 37) and Petitioner (Paper 35, Paper 38) each request oral argument pursuant to 37 C.F.R. § 42.70(a) in each case listed above. The requests are *granted*.

Patent Owner requests that each party be granted 45 minutes for its presentation of each case. Paper 33, Paper 37. Petitioner requests that each party be granted 30 minutes for its presentation of each case. Papers 35, Paper 38. Given that Patent Owner filed a Contingent Motion to Amend in each case (Paper 16, Paper 21), Patent Owner's request is granted.

The oral hearing will commence at **9:00 AM Eastern Time**, on **Tuesday**, **June 6, 2017**. The hearing will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. At least one panel member may attend remotely. 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. The hearing transcript will be entered in the record of each case.

Petitioner bears the burden of proof that the challenged patent claims are unpatentable. Patent Owner bears the burden of proof on it Contingent Motion to Amend. Therefore, at the oral hearing, Petitioner will proceed first to present its case with respect to the instituted grounds and challenged claims. Patent Owner then will respond to Petitioner's initial presentation and also present its case on its Contingent Motion to Amend. Thereafter, Petitioner may use any time it has reserved to rebut Patent Owner's initial presentation and respond to Patent Owner's Contingent Motion to Amend. Patent Owner may then use any time it has reserved to rebut Petitioner's response to Patent Owner's Contingent Motion to Amend. On rebuttal, each

party will be restricted to only those matters raised by the other party in its initial presentation. The cases shall be heard in the order listed above.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing. The parties shall meet and confer to discuss and resolve any objections to demonstrative exhibits. Any party with unresolved objections must file a list of those objections at least two business days before the hearing. For each objection, the list must identify with particularity which portions of the demonstrative exhibits are subject to the objection and may include a short, one-sentence statement explaining the objection. No argument or further explanation is permitted. We will consider any objections and schedule a conference call if deemed necessary. Otherwise, we will reserve ruling on the objections. Any objection to demonstrative exhibits not timely presented will be considered waived.

Each party also shall email (not file) its demonstrative exhibits to Trials@uspto.gov **at least two business days** prior to the hearing. A hard copy of the demonstratives shall be provided to the court reporter at the hearing. *See CBS Interactive Inc. v. Wireless Scis. LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (for guidance regarding the proper content of demonstrative exhibits). Demonstrative exhibits do not constitute evidence and may not introduce new evidence or arguments. Instead, demonstrative exhibits should cite to evidence in the record. 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 and to ensure that the remote panel members accurately track the presentation.

The Board normally expects lead counsel for each party to be present at the oral hearing, although any backup counsel may make the actual presentation, in whole or in part. Requests for audio-visual equipment must be made by e-mail **at least five days** in advance of the hearing date to Trials@uspto.gov, else the equipment may be unavailable.

Accordingly, it is **ORDERED** that the oral argument shall commence at **9:00 AM Eastern Time**, on **Tuesday**, **June 6, 2017** on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia as set forth above.

IPR2016-00754 Patent 8,559,635
IPR2016-00755 Patent 8,191,091

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