

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VOIP-PAL.COM INC.,
Patent Owner

Cases IPR2016-01198 and IPR2016-01201
Patents 9,179,005 B2 and 8,542,815 B2¹

Before JOSIAH C. COCKS, JENNIFER MEYER CHAGNON, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This Order pertains to both noted proceedings. The Board exercises its discretion to issue a single Order for entry in each proceeding. The parties are not authorized to use this style heading for any subsequent papers.

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As set forth in the Scheduling Order for each proceeding (Paper 7)², oral argument, if requested, is scheduled for July 20, 2017. Both parties have requested a consolidated oral argument and sixty (60) minutes of argument time for each side. Papers 38, 39. The requests are *granted*.

Oral argument will commence at 10:00 AM ET on July 20, 2017. The Board will hear argument for both proceedings in a single session. The hearing will be conducted on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will be open to the public for in-person attendance, which 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.

Each party will have sixty (60) minutes of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Therefore, at the oral hearing, Petitioner will proceed first to present its case as to the challenged claims on which basis we instituted trial. Petitioner may reserve rebuttal time. Thereafter, Patent Owner will respond to Petitioner's case and present its case concerning its Motions to Exclude (Paper 40). Patent Owner may reserve rebuttal time to address Petitioner's arguments regarding the Motions to Exclude, if any. Petitioner may use the rest of its time to respond to Patent Owner's presentation. Lastly, Patent Owner may use the rest of its time to respond to Petitioner's arguments regarding the Motion to Exclude only.

² The Paper numbers referenced in this Order are the same for each proceeding.

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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 5 days in advance of the hearing date. The request is to be sent 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.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days prior to the hearing. The parties are further directed to file demonstrative exhibits two business days prior to the hearing, and request a conference call with the Board prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. 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 presented timely will be considered waived. The parties may refer to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB October 23, 2013) (Paper 118), and *St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present in person at the oral hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral argument, the parties should request a joint telephone

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conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

It is

ORDERED that oral argument will commence at 10:00 AM ET on July 20, 2017.

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