

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIME FOCUS CREATIVE SERVICES CANADA INC.,
Petitioner,

v.

LEGEND3D, INC.,
Patent Owner.

Case IPR2016-01243
Patent 7,907,793 B1

Before LYNNE E. PETTIGREW, CARL M. DEFRANCO, and
KAMRAN JIVANI, *Administrative Patent Judges*.

JIVANI, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.10

The Scheduling Order in this proceeding sets the date for oral hearing to September 14, 2017, if a hearing was requested by the parties and granted by the Board. Paper 15. Each party requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 49, 50. The parties' requests are *granted*. The parties are further reminded that, consistent with our July 19, 2017 Order, "we will permit the parties to address at oral argument the issues of priority and claim construction—including potentially inconsistent statements made regarding assertions of priority. . . . The parties, however, shall not address the doctrine of inequitable conduct." Paper 47, 1.

The hearing will commence at 9:30 AM, on September 14, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. There are no motions to seal in the present proceeding. Accordingly, the Board exercises its discretion to make the final hearing publically available via in-person attendance. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Each party will have a total of sixty (60) minutes to present any arguments relating to this case. Petitioner bears the ultimate burden of proof that the claims under review in this case are unpatentable. Therefore, Petitioner will proceed first, and Patent Owner will follow. Each party will present its opening argument and may reserve time for rebuttal. Petitioner's opening argument need not address Patent Owner's Motion to Amend (Paper 41). Rather, Patent Owner's opening argument should address its Motion to Amend, and Petitioner may respond thereto during Petitioner's

rebuttal. Patent Owner's rebuttal, if reserved, will be limited to only the Motion to Amend.

The Board expects lead counsel for each party to be present at the oral hearing, although any counsel of record may make the actual presentation. The parties are reminded that the presenter must identify clearly and specifically any 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 the ability of all judges to follow the presenter's arguments.

Under 37 C.F.R. § 42.70(b), the parties shall serve any demonstrative exhibits upon each other at least seven (7) business days prior to the hearing. The parties also shall provide the demonstrative exhibits to the Board at least two (2) business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this case without prior authorization. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041, Paper 65, 2–5 (PTAB Jan. 27, 2014), for guidance regarding the appropriate content of demonstrative exhibits.

Any requests regarding special equipment or needs, such as for audio/visual equipment, should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the identified email address not less than five (5) business days before the hearing.

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