

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

IMAGE PROCESSING TECHNOLOGIES LLC,
Patent Owner.

Cases IPR2017-00336 (Patent 6,959,293 B2)
IPR2017-00353 (Patent 8,983,134 B2)¹

Before JONI Y. CHANG, MICHAEL R. ZECHER, and
JESSICA C. KAISER, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

ORDER
Oral Hearing
37 C.F.R. § 42.70(a)

¹ This Order addresses the same issues for the above-identified cases. We, therefore, exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

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In each of the above-identified proceedings, we instituted *inter partes* review (Paper 15²) and issued a Scheduling Order (Paper 16), which sets an oral hearing date to February 21, 2018, if oral hearing is requested by either party and granted by the Board. Pursuant to 37 C.F.R. § 42.70, the parties requested an oral hearing in each case. Papers 25, 26. The requests are *granted*.

The hearing for both cases will commence at **1:00 PM** Eastern Time, on **February 21, 2018**, and will be conducted at the **USPTO Headquarters, Ninth Floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314**.³ The hearings will be open to the public for in-person attendance that will be accommodated on a first-come first-served basis.

The parties shall address both proceedings together at the hearing. Each party will have forty-five (45) minutes of total time to present arguments for both proceedings. Because Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable, Petitioner will proceed first to present its case as to the challenged claims and instituted grounds of unpatentability in both proceedings, and may reserve a small portion of its time for rebuttal. Thereafter, Patent Owner will respond to Petitioner's case. After that, Petitioner may use the rest of its time for its rebuttal, responding to Patent Owner's specific arguments presented at the oral hearing. No live testimony from any witness will be taken at the oral hearing.

² Citations refer to IPR2017-00336, as representative.

³ See <https://www.uspto.gov/about-us/uspto-locations/alexandria-virginia-headquarters> for additional information.

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Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days prior to the hearing. The parties shall confer with each other regarding any objections to demonstrative exhibits, and file demonstrative exhibits with the Board, as a separate exhibit in accordance with 37 C.F.R. § 42.63, at least five business days prior to the hearing.

Demonstrative exhibits are not evidence, but merely a visual aid at the oral hearing. The Board expects the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. For any issue that cannot be resolved after conferring with the opposing party, the parties may email jointly to Trials@uspto.gov a one-page list of objections at least five 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 short 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. Each party also shall provide a hard copy of its demonstrative exhibits to the court reporter at 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 each hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that Judge Jessica Kaiser will be attending electronically and will only have access to the courtesy copy of the demonstratives provided in advance, as referenced above. If a

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demonstrative is not made available to the Board in the manner indicated above, that demonstrative may not be available to each of the judges during the hearing and may not be considered. Further, images projected, using audio visual equipment in Alexandria, will not be visible to Judge Kaiser. Because of limitations on the audio transmission systems in our hearing rooms, the presenter may speak only when standing at the hearing room podium. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797.

The Board 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. If lead counsel for either party is unable to attend the oral hearing, the Board should be notified via a joint telephone conference call no later than five business days prior to the oral hearing to discuss the matter.

The Board will provide a court reporter, and the reporter's transcript will constitute the official record of the hearing. The consolidated hearing transcript will be entered in the record of the proceedings.

Requests for audio-visual equipment at the hearing are to 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.

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