

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., WHATSAPP, INC., and LG ELECTRONICS, INC.
Petitioner,

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,
Patent Owner.

Case IPR2017-01427
Patent 8,995,433 B2¹

Before JENNIFER S. BISK, MIRIAM L. QUINN, and
CHARLES J. BOUDREAU, Administrative Patent Judges.

BOUDREAU, Administrative Patent Judge.

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

¹ LG Electronics, Inc., which filed a petition and motion for joinder in IPR2017-02087, has been joined as a petitioner in IPR2017-01427.

The parties have requested an oral hearing pursuant to 37 C.F.R. § 42.70. *See* Papers 35, 36. We grant the parties' request.

The hearing for this proceeding will commence at **11 AM Central Time**, on **August 30, 2018**. Petitioner² and Patent Owner each will have fifteen 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 we instituted trial. Thereafter, Patent Owner will respond to Petitioner's case. After that, Petitioner will make use of the rest of its time responding to Patent Owner's specific arguments presented at the hearing. There are no motions to amend or other motions to be addressed at the hearing, and no rebuttal time will be allotted to Patent Owner. No live testimony from any witness will be taken at the oral argument.

The hearing will be conducted at the **Texas Regional Office in Room 155, first floor of 207 S. Houston Street, Dallas Texas 75202**.³ The hearing will be open to the public for in-person attendance, which will be accommodated on a first-come, first-served basis. The parties are advised that the hearing room has limited capacity. Therefore, to facilitate access to the regional-office hearing room, each party is asked to *email the Board* (Trials@uspto.gov), at least five business days prior to the hearing, indicating the number of attendees for its side (attorneys and others). If the parties have concerns about disclosing confidential

² Pursuant to the Partial Dismissal Order entered on May 29, 2018, petitioners Facebook and WhatsApp will not be permitted to present argument in this proceeding, except with respect to any issues concerning solely challenged claim 7. *See* Paper 30.

³ Information concerning the Texas Regional Office can be found in the USPTO website at <http://www.uspto.gov/about-us/uspto-locations/dallas-texas>.

information, they are requested to contact the Board at least ten business days in advance of the hearing to discuss the matter.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing. The parties shall confer 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 visual aids for use at the oral hearing. For any issue regarding the proposed demonstrative exhibits that cannot be resolved after conferring with the opposing party, the parties may file jointly 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 concise 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, to discuss them. Otherwise, we may expunge all demonstratives or allow only those that we do not find objectionable. Typically, however, we reserve ruling on the objections until hearing or ruling is necessary to resolve the dispute. 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 and by content) referenced during each hearing to ensure the clarity and accuracy of the reporter's transcript. Further, because a consolidated hearing will be conducted for three proceedings, if an argument and/or evidence applies only to a particular

proceeding or proceedings, the presenter must identify the proceeding or proceedings, to which that argument and/or evidence applies. The parties also should note that Judge Jennifer Bisk (Alexandria) and Judge Charles Boudreau (San Jose) will be attending each hearing electronically and will only have access to the courtesy copy of the demonstratives provided in advance, as referenced above. If a 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 Dallas, will not be visible to Judges Bisk and Boudreau. 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 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 argument, 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 for the hearing, and the reporter's transcript will constitute the official record of the hearing. The reporter's transcript will be entered in the record of the proceedings.

Requests for audio-visual equipment or special accommodations 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 or accommodations may not be available on the day of the hearing.

IPR2017-01427
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For PETITIONER

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