

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

Case IPR2017-01993
Patent 9,414,199 B2

Before MIRIAM L. QUINN, KERRY BEGLEY, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

PER CURIAM.

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

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Petitioner and Patent Owner each filed a request for an oral hearing, pursuant to 37 C.F.R. § 42.70. Paper 19; Paper 20. We grant the parties' requests.

The oral hearing for this proceeding will commence at **12 pm Central Time on December 4, 2018**. Petitioner and Patent Owner each will have forty-five minutes of argument time in total. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, at the hearing, Petitioner will proceed first to present its case regarding the challenged patent claims and the grounds on which the Board instituted trial. Petitioner may reserve some (but not more than half) of its argument time to respond to arguments presented by Patent Owner. After Petitioner's initial presentation, Patent Owner will be given an opportunity to respond and also may reserve some of its argument time for sur-rebuttal. Thereafter, Petitioner may use any reserved time to reply to Patent Owner's presentation. Finally, Patent Owner may present a brief sur-rebuttal if it has reserved time. New arguments not previously presented in the parties' substantive papers in this proceeding shall not be raised at the hearing, and no live testimony from any witness will be taken at the hearing.

The hearing will be conducted at the **Texas Regional Office in Room 155, first floor of 207 S. Houston Street, Dallas Texas 75202**.¹ 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

¹ Information concerning the Texas Regional Office can be found in the USPTO website at <http://www.uspto.gov/about-us/uspto-locations/dallas-texas>.

the regional-office hearing room, each party is asked to *email the Board* (Trials@uspto.gov) at least five business days before the hearing, indicating the number of attendees for its side (attorneys and others). If the parties have concerns about disclosing confidential 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 seven 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 before the hearing.

Demonstrative exhibits are not evidence but merely visual aids for use at the 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 the 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. The parties also should note that two judges will be attending the 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 the judges attending the hearing electronically. 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 hearing, the Board should be notified via a joint telephone conference call no later than five business days before the hearing to discuss the matter.

The Board will provide a court reporter for each 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 proceeding.

Requests for audio-visual equipment or special accommodations at the hearing are to be made five days in advance of the hearing date. The

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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.

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