

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,
v.
UNILOC 2017 LLC,
Patent Owner.

Case IPR2018-00282
Patent 7,092,671 B2

Before MIRIAM L. QUINN and GARTH D. BAER *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

ORDER
Requests for Oral Argument
37 C.F.R. § 42.70

The Scheduling Order for this proceeding provided that an oral hearing would be conducted on February 28, 2019, if requested by either party and granted by the Board. Paper 8, 7. The parties requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 21, 22. In addition to its general request for a hearing, Petitioner Apple, Inc. requested that the oral hearing be held at the Silicon Valley USPTO in San Jose, CA. Paper 22, 2. Patent Owner Uniloc 2017 LLC requested that hearing be held at the Texas Regional Office in Dallas, TX, and requested that the parties be given twenty (20) minutes per side. Paper 21, 1.

The Parties' request for oral hearing is *granted*. The Board apologizes for the inconvenience to the parties, if any, but at this time, it is unable to accommodate the parties' conflicting requests to conduct the hearing at one of our regional offices. The hearing will commence at **1:00 PM on February 28, 2019, 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. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are to contact the Board at least 10 days in advance of the hearing to discuss the matter.

Each party will have thirty (30) minutes of total oral argument time. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in these proceedings are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. After Petitioner's presentation, Patent Owner will respond to Petitioner's argument. Petitioner may reserve rebuttal time to respond to arguments presented

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by Patent Owner. The parties may also address any pending motions during their respective presentations.

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 should note that at least one member of the panel will be attending the hearing electronically from a remote location, and that if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered.

Any counsel of record may present a party's argument. If either party expects that its lead counsel will not be attending the oral argument, it should notify the Board no later than two business days prior to the oral hearing.

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Any special requests for audiovisual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication not less than seven business days before the hearing, directed to the above email address.

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