

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

FUJIFILM CORPORATION,
Patent Owner.

Case IPR2018-00876 (Patent 6,462,905 B1)
Case IPR2018-00877 (Patent 6,462,905 B1)¹

Before SALLY C. MEDLEY, GREGG I. ANDERSON, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ The parties are not authorized to use this caption. The parties will continue to use the individual case captions.

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Sony Corporation (Petitioner) and FujiFilm Corporation (Patent Owner) have requested an Oral Hearing in the above captioned matters. '876 IPR, Paper 30 (Petitioner) and 32 (Patent Owner); '877 IPR Paper 26 (Petitioner) and 28 (Patent Owner). The requests are granted.

Oral Hearing will commence at **1:00 PM Eastern Time**, on **Friday June 21, 2019, in Hearing Room A on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia**. The Oral Hearing will be open to the public. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the Oral Hearing.

The Petitioner requests forty five (45) minutes of total time for its argument in each case. '876 IPR, Paper 30, 1; '877 IPR, Paper 26, 1. Patent Owner does not request any specific time. **Each party will have forty five (45) minutes total argument time for each case and only that case.**

Argument in the '876 case will be heard first, followed by argument in the '877 case. A brief break will be provided after the argument in the '876 case is completed.

Petitioner bears the burden of proof to show the unpatentability of the challenged patent claims. For each session, Petitioner will proceed first with respect to all grounds asserted in the Petition for the case. Patent Owner then will respond to Petitioner and present any argument on its motion to exclude. '876 IPR Paper 31; '877 IPR Paper 27. Thereafter, Petitioner may use any reserved rebuttal time to address Patent Owners' response and the motion to exclude. **If requested, Patent Owner may use any reserved sur-rebuttal to address Petitioner's rebuttal. Neither the Petitioner's**

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rebuttal nor the Patent Owner’s sur-rebuttal may be more than half the total time allotted time for the parties’ argument in each case.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing. The parties may refer to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, slip op. 2–5 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. The parties shall meet and confer to discuss and resolve any objections to demonstrative exhibits. If any issues regarding demonstratives remain unresolved after the parties meet and confer, the parties shall file jointly a one-page list of objections to the demonstrative exhibits at least three business days before the hearing. For each objection, the list must identify with particularity the demonstratives subject to the objection and include a short, one-sentence statement explaining the objection. The panel will consider the objections and schedule a conference call if necessary. Otherwise, rulings on the objections will be reserved until the hearing or after the hearing. Any objection to demonstrative exhibits not presented timely will be considered waived. The parties are **not authorized** to file their demonstratives unless instructed by the Board. The parties are reminded that the demonstrative exhibits presented in this case are not evidence and are intended only to assist the parties in presenting their oral argument to the panel. **The parties may mark each slide of demonstrative exhibits with the words “DEMONSTRATIVE EXHIBIT – NOT EVIDENCE” in the footer.**

Elaborate demonstrative exhibits are more likely to impede than help an oral argument. The most effective demonstrative exhibits tend

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to be a few presentation slides and a handout or binder containing the demonstrative exhibits. The pages of each exhibit should be numbered and counsel should identify the exhibit numbers during course of oral argument.

Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent directly to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

Each party shall file its demonstrative exhibits to Trials@uspto.gov at least two business days prior to the hearing. Each party shall provide a hard copy of its demonstratives to the court reporter at the hearing. At least one judge will appear remotely and the parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the transcript.

The Board normally expects lead counsel for each party to be present at hearings, although any backup counsel may make the actual presentation, in whole or in part. Requests for audio-visual equipment must be made by e-mail at least five days in advance of the hearing date to Trials@uspto.gov, else the equipment may be unavailable.

ORDER

Accordingly, it is

ORDERED that the Oral Hearing shall commence at **1:00 PM Eastern Time, on Friday June 21, 2019, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.**

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