

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

Case IPR2018-01079
Patent 8,213,970 B2

Before TREVOR M. JEFFERSON, CHRISTA P. ZADO, and
KEVIN C. TROCK, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

ORDER
Oral Hearing
37 C.F.R. § 42.70

We instituted *inter partes* review (Paper 9) and set an oral hearing date of September 5, 2019, if oral hearing was requested by either party and granted by the Board (Paper 10). Pursuant to 37 C.F.R. § 42.70, the parties have requested an oral hearing. Papers 24, 25. Patent Owner requests thirty (30) minutes to present its arguments. Paper 25. Petitioner does not specify an amount of time to present its arguments. Paper 24. The requests are hereby *granted*.

The hearing will commence at **10:00 AM Pacific Time, on Thursday, September 5, 2019**, at the **USPTO Silicon Valley Office, 26 South 4th Street, Third Floor, San Jose, California**. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come first-served basis.

Because Patent Owner requested thirty (30) minutes to present its arguments and Petitioner did not specify a particular amount of time, each party will have thirty (30) minutes of total time to present its arguments. Petitioner will proceed first to present its case as to the challenged claims and instituted grounds of unpatentability, and may reserve a 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.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits shall 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.

The parties are reminded that 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 shall also 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 the hearing to ensure the clarity and accuracy of the reporter's transcript. The parties should note that one or more judges may be attending electronically and will have access to only 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 San Jose, will not be visible to judges attending electronically. Because of limitations on the audio transmission systems in our hearing rooms, the presenter should 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 hearing transcript will be entered in the record of the proceedings.

Requests for audio-visual equipment at the hearing are to be made five business 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.

It is

ORDERED that oral argument will commence at 10:00 AM PT on September 5, 2019.

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