

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner

v.

QUALCOMM INCORPORATED,
Patent Owner

IPR2019-00047
IPR2019-00048
IPR2019-00049¹
Patent 9,154,356 B2

Before MICHELLE N. WORMMEESTER, SCOTT B. HOWARD, and
AARON W. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

ORDER
Oral Hearing
37 U.S.C. § 42.70

¹ This Order for a consolidated hearing is filed in each case. The parties are not authorized to use this style heading.

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In each of the above-identified cases, we instituted *inter partes* review and issued a Scheduling Order setting April 7, 2020 as the date for oral hearing if requested by the parties and granted by the Board. Both parties have requested oral hearing in all three cases under 37 C.F.R. § 42.70, and those requests are *granted*.

Oral arguments will commence at **1:00 p.m. on April 7, 2020**, and will be conducted **by video only**. We grant **90 minutes** of oral argument time to each party, for a total of three hours. Because Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable, Petitioner will proceed first to present its case as to all challenges to the claims. Petitioner may reserve some, but not more than half, of its argument time for rebuttal. Thereafter, Patent Owner will respond to Petitioner's case. Patent Owner may similarly reserve some of its argument time for sur-rebuttal. Next, Petitioner may use any time it has reserved for rebuttal to respond to Patent Owner's specific arguments presented at the hearing. Then, Patent Owner may present a brief sur-rebuttal if it has reserved time.

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. No live testimony from any witness will be taken at the oral argument.

Each party must contact PTAB Hearings at (571) 272-9797 five business days prior to the oral hearing date to receive video set-up information. All arrangements and the expenses involved with appearing by video, such as the selection of the facility from which a party will attend by video, must be borne by that party. If a video connection cannot be established, the parties will be provided with dial-in connection information,

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and the oral hearing will be conducted telephonically. If one or both parties would prefer to participate in the oral hearing telephonically, they should notify PTAB Hearings at the above telephone number five business days prior to the hearing to receive dial-in connection information.

Pursuant to 37 C.F.R. § 42.70(b), any demonstrative exhibits must be served no later than seven (7) business days before the hearing date, and filed with the Board no later than five (5) business days before the hearing date. Demonstrative exhibits are merely a visual aid for use at the hearing and are not evidence and may not introduce new arguments or evidence.

The parties shall meet and confer to discuss any objections to demonstrative exhibits at least three (3) business days before the hearing. If any issues regarding demonstrative exhibits remain unresolved after the parties meet and confer, the parties may file jointly a one-page list of objections to the demonstrative exhibits at least two (2) business days before the hearing. For each objection, the list must identify with particularity the demonstrative exhibits that are subject to the objection and include a short, one-sentence statement explaining the objection. Any objection to demonstrative exhibits that is not presented timely will be considered waived. We will consider the objections and schedule a conference call if necessary. We may reserve ruling on the objections until after the oral hearing. For further guidance regarding the appropriate content of demonstrative exhibits, the parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014). See also *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (PTAB

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Oct. 23, 2013) (explaining that the Board has the discretion to limit demonstratives to pages in the record should there be no easy resolution to objections over demonstratives).

The parties are directed to contact the Board at least 10 days in advance of the hearing if there are any concerns about disclosing confidential information.

The Board expects lead counsel for each party to be present by video at the oral hearing. Any counsel of record may present the party's argument as long as that counsel is present by video if the hearing is by video.

Not less than five (5) days before the hearing, a party may direct any special requests related to appearing, such as a request to accommodate visual or hearing impairments, to PTABHearings@uspto.gov, and should indicate how the PTAB might accommodate the request.

The panel will have access to all papers filed with the Board, including demonstratives. During the oral hearing, the parties are advised to identify clearly and specifically each demonstrative referenced (e.g., by slide or screen number) to ensure the clarity and accuracy of the court reporter's transcript. In addition, the parties are advised to identify themselves each time they speak. Furthermore, because the remote nature of the oral hearing may result in an audio lag, the parties are advised to observe a pause prior to speaking, so as to avoid speaking over others.

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