

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,

Petitioner,

v.

UUSI, LLC d/b/a NARTRON,

Patent Owner.

Case IPR2019-00358 and Case IPR2019-00359¹
Patent 5,796,183

Before BRYAN F. MOORE, MINN CHUNG, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This Order will be entered in each case. The parties are not authorized to use this caption style.

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On March 24, 2020, Petitioner and Patent Owner filed requests for oral argument in the above-captioned proceedings. Papers 21, 22. The parties each requested 60 minutes of argument time for each proceeding.

The parties' requests for oral argument are granted in part — each party shall have 60 minutes of total argument time. Oral arguments will commence at 9:00 AM Pacific Daylight Time (12:00 PM Eastern Daylight Time) on Thursday, May 7, 2020, by video. 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 will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

If at any time during the proceeding, you encounter technical or other difficulties that fundamentally undermine your ability to adequately represent your client, please let the panel know immediately, and adjustments will be made.²

To facilitate planning, 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. As a reminder, all arrangements and the expenses involved with appearing by video, such as the selection of the facility to be used 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, and the oral hearing will be conducted telephonically.

If one or both parties would prefer to participate in the oral hearing

² For example, if a party is experiencing poor video quality, the Board may provide alternate dial-in information.

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telephonically, they should notify PTAB Hearings at the above telephone number five business days prior to the hearing to receive dial-in connection information.

Petitioner and Patent Owner each shall have 60 minutes of total time to present arguments as to both proceedings. Petitioner will open the hearing by presenting its case regarding the challenged claims. Patent Owner then will respond to Petitioner's presentation. Petitioner may reserve rebuttal time (of no more than half its total argument time) to reply to Patent Owner's arguments. Patent Owner may reserve sur-rebuttal time (of no more than half its total argument time) to respond to Petitioner's rebuttal.

The parties shall serve on opposing counsel any demonstrative exhibits at least seven (7) business days prior to the hearing. The parties also shall provide the demonstrative exhibits to the Board at least three (3) business days prior to the hearing by emailing them to PTABHearings@uspto.gov. The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board.

We remind the parties that demonstrative exhibits are not evidence, but are intended to assist the parties in presenting their oral arguments to the Board. We also remind the parties that demonstrative exhibits are not a mechanism for making arguments not previously addressed in the papers. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits, which must include citations to the record.

To the extent that the parties object to the propriety of any demonstrative exhibits, we expect the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties shall file jointly a one-page list of objections to demonstratives with the Board at least two (2) business days before the hearing. The objections should identify with particularity the portions of each demonstrative exhibit subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No further argument or explanation is permitted. We will consider any objections and schedule a conference call if deemed necessary. Otherwise, we will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The Board generally 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.

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at a video oral hearing, such as a request to accommodate visual or hearing impairments, and indicate how the PTAB may accommodate the special request. Any special requests must be presented in a separate communication not less than five (5) days before the hearing.

Please unmute yourself only when speaking. 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

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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, the remote nature of the oral hearing may also result in an audio lag, and so the parties are advised to observe a pause prior to speaking, so as to avoid speaking over others.

Members of the public may request to listen in on this oral hearing. If resources are available, the Board generally expects to grant such requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board by contacting PTABHearings@uspto.gov at least five business days prior to the oral hearing date.

ORDER

In view of the foregoing, it is, therefore,

ORDERED that the parties' requests for oral hearing are granted subject to the conditions set forth above in this Order; and

FURTHER ORDERED that a video oral hearing, conducted pursuant to the procedures outlined above, shall commence at 9:00 AM Pacific Daylight Time (12:00 PM Eastern Daylight Time) on Thursday, May 7, 2020.

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