

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

CPC PATENT TECHNOLOGIES PTY, LTD.,  
Patent Owner.

---

IPR2022-00601 (Patent 9,269,208 B2)<sup>1</sup>  
IPR2022-00602 (Patent 9,665,705 B2)

---

Before SCOTT A. DANIELS, BARRY L. GROSSMAN, and  
AMBER L. HAGY, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

ORDER GRANTING REQUESTS FOR ORAL ARGUMENT  
*37 C.F.R. § 42.70*

---

<sup>1</sup> We exercise our discretion to issue a single Order, to be filed in each case.  
The parties are not authorized to use this caption for subsequent papers.

IPR2022-00601 (Patent 9,269,208 B2)

IPR2022-00602 (Patent 9,665,705 B2)

## I. ORAL ARGUMENT

### A. *Time and Format*

Petitioner and Patent Owner have each requested that a concurrent oral hearing be scheduled to include both above noted proceedings. For this hearing Patent Owner and Petitioner jointly requested 45 minutes each for oral argument time. Papers 23, 24.<sup>2</sup> The parties' requests are *granted* and each party is allotted 45 minutes to present arguments in the combined proceedings. Petitioner indicated by email to the Board on May 31, 2023, that it was amendable to conducting the oral hearing by videoconference and Patent Owner did not set forth a preference. *Id.*

**Oral arguments will commence at 11:00 AM Eastern Time on June 29, 2023, by videoconference.** The parties are directed to contact the Board at least three (3) 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. The parties shall not make, or permit others to make, audio or visual recordings of the proceeding.

If at any time during the hearings, 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.<sup>3</sup>

To facilitate planning, each party must contact PTAB Hearings at [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) five business days prior to the oral hearing date to receive videoconference set-up information. As a reminder, all

---

<sup>2</sup> For brevity, we refer only to paper numbers in IPR2022-00601.

<sup>3</sup> For example, if a party is experiencing poor video quality, the Board may provide alternate dial-in information.

IPR2022-00601 (Patent 9,269,208 B2)

IPR2022-00602 (Patent 9,665,705 B2)

arrangements and expenses related to a party's appearance by video, such as the selection of the facility to be used from which a party will attend by video, are the responsibility of 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 telephonically, they should notify PTAB Hearings at the above email address five (5) business days prior to the hearing to receive dial-in connection information.

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 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.

Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable. 35 U.S.C. § 316(e). Therefore, starting at 11 am ET, by video, Petitioner will first present its case regarding the challenged claims at issue in IPR2022-00601 and IPR2022-00602. After Petitioner's presentation, Patent Owner may respond to Petitioner's arguments. Petitioner may respond to Patent Owner's argument using any time reserved for rebuttal. Patent Owner may then respond to Petitioner's rebuttal using any time reserved for sur-rebuttal.

IPR2022-00601 (Patent 9,269,208 B2)

IPR2022-00602 (Patent 9,665,705 B2)

*B. Demonstratives and Audio–Visual Equipment*

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served no later than seven (7) business days before the hearing date. They shall be 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. Each slide should be clearly marked as such: for example, each slide may be marked with the words “DEMONSTRATIVE EXHIBIT – NOT EVIDENCE,” in the footer.

Demonstrative exhibits shall 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 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 two (2) 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. We will consider the objections and schedule a conference call if necessary. For further guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013- 00033 (PTAB Oct. 23, 2013) (Paper 118).

We take this opportunity to remind the parties that each 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.

Any special requests for audio-visual equipment must be directed to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov). A party may also indicate any special requests

IPR2022-00601 (Patent 9,269,208 B2)

IPR2022-00602 (Patent 9,665,705 B2)

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 days before the hearings.

*C. Legal Experience and Advancement Program*

The Board has established the “Legal Experience and Advancement Program,” or “LEAP,” to encourage advocates with less legal experience to argue before the Board to develop their skills. Either party may request that a qualifying LEAP practitioner participate in the program and conduct at least a portion of the party’s oral argument. The Board will grant up to fifteen (15) minutes of additional argument time to that party, depending on the length of the proceeding and the PTAB’s hearing schedule. A party should submit a request, no later than five (5) business days before the oral hearing, by email to the Board at [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov). Additional information and a combined LEAP Practitioner Request for Oral Hearing Participation and Verification Form is available on the LEAP website, [www.uspto.gov/leap](http://www.uspto.gov/leap).

II. ORDER

Accordingly, it is

ORDERED that oral argument for these proceedings shall commence at **11:00 AM Eastern Time on June 29, 2022**, and proceed in the manner set forth herein.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.