

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

META PLATFORMS, INC.,
Petitioner,

v.

ANGEL TECHNOLOGIES GROUP LLC,
Patent Owner.

IPR2023-00057 (Patent 8,954,432 B2)
IPR2023-00058 (Patent 9,959,291 B2)
IPR2023-00059 (Patent 10,417,275 B2)
IPR2023-00060 (Patent 10,628,480 B2)¹

Before MIRIAM L. QUINN, SHARON FENICK, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

ORDER
Setting Oral Argument
37 C.F.R. § 42.70

¹ This Order addresses issues that are the same in all identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

IPR2023-00057 (Patent 8,954,432 B2)
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I. ORAL ARGUMENT

In each of the captioned proceedings, Meta Platforms, Inc. (“Petitioner”) and Angel Technologies Group LLC (“Patent Owner”) jointly requested an in-person oral argument held in Alexandria, Virginia pursuant to 37 C.F.R. § 42.70(a). Paper 31.² The parties asked to present arguments in a single hearing covering each proceeding. *Id.* In accordance with the terms set forth in this Order, we *grant* the parties’ joint request.

A. Time and Format³

Oral arguments will commence at **10:00 AM Eastern Time on February 13, 2024 on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.**⁴ The Board will provide a court reporter for the hearing, and the reporter’s transcript will constitute the official record of the hearing.

Petitioner and Patent Owner each requested ninety minutes of argument time per side. Paper 31. Having reviewed the requests and other papers filed by each party, we determine that each party will have a total of ninety (90) minutes to present arguments at the hearing. Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Thereafter, Patent Owner will respond to

² For purposes, we refer to the paper filed in IPR2023-00057, but a similar paper was filed in each captioned proceeding.

³ If a party is no longer able to appear in-person for the hearing, the party must contact PTABHearings@uspto.gov as soon as possible.

⁴ If there are any concerns about disclosing confidential information, the parties must contact the Board at Trials@uspto.gov at least ten (10) business days before the hearing date.

IPR2023-00057 (Patent 8,954,432 B2)
IPR2023-00058 (Patent 9,959,291 B2)
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Petitioner's arguments. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. In accordance with the Consolidated Trial Practice Guide⁵ ("CTPG"), issued in November 2019, Patent Owner may request to reserve time for a brief sur-rebuttal. *See* CTPG 83.

Rebuttal and sur-rebuttal must be responsive to arguments by the opposing party in its immediately preceding presentation. In addition, the parties may only rely upon evidence and present arguments already of record in this proceeding, and may not present new arguments or evidence at the hearing.

The parties may request a pre-hearing conference in advance of the hearing. *See* CTPG 82. "The purpose of the pre-hearing conference is to afford the parties the opportunity to preview (but not argue) the issues to be discussed at the oral hearing, and to seek the Board's guidance as to particular issues that the panel would like addressed by the parties." *Id.* If either party desires a pre-hearing conference, the parties should jointly contact the Board at Trials@uspto.gov at least seven (7) business days before the hearing date to request a conference call for that purpose.

B. Demonstratives

As set forth in 37 C.F.R. § 42.70(b), demonstratives shall be served on opposing counsel at least seven (7) business days before the hearing date and filed with the Board no later than three (3) business days before the hearing.⁶

⁵ Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

⁶ The parties may stipulate to an alternative schedule for serving demonstratives. The parties may not alter the time for filing demonstratives with the Board.

IPR2023-00057 (Patent 8,954,432 B2)
IPR2023-00058 (Patent 9,959,291 B2)
IPR2023-00059 (Patent 10,417,275 B2)
IPR2023-00060 (Patent 10,628,480 B2)

Demonstratives are not a mechanism for making new arguments. Demonstratives also are not evidence, and will not be relied upon as evidence. Rather, demonstratives are visual aids to a party's oral presentation regarding arguments and evidence previously presented and discussed in the papers. Accordingly, demonstratives shall be clearly marked with the words "DEMONSTRATIVE EXHIBIT – NOT EVIDENCE" in the footer. *See Dell Inc. v. Acceleron, LLC*, 884 F.3d 1364, 1369 (Fed. Cir. 2018) (holding that the Board is obligated under its own regulations to dismiss untimely argument "raised for the first time during oral argument"). "[N]o new evidence may be presented at the oral argument." CTPG 86; *see also St. Jude Med., Cardiology Div., Inc. v. The Bd. of Regents of the Univ. of Mich.*, IPR2013-00041, Paper 65, 2–3 (PTAB Jan. 27, 2014) (explaining that "new" evidence includes evidence already of record but not previously discussed in any paper of record).

Furthermore, because of the strict prohibition against the presentation of new evidence or arguments at a hearing, it is strongly recommended that each demonstrative include a citation to a paper in the record, which allows the Board to easily ascertain whether a given demonstrative contains "new" argument or evidence or, instead, contains only that which is developed in the existing record.

To the extent that a party objects to the propriety of any demonstrative, the parties shall meet and confer in good faith to resolve any objections to demonstratives prior to filing the objections with the Board. If such objections cannot be resolved, the parties may file any objections to demonstratives with the Board no later than the time of the hearing. The

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objections shall identify with particularity which portions of the demonstratives are subject to objection (and should include a copy of the objected-to portions) and include a one (1) sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections, and may reserve ruling on the objections.⁷ Any objection to demonstratives that is not timely presented will be considered waived.

Finally, the parties are reminded that each presenter should identify clearly and specifically each paper (e.g., by slide or screen number for a demonstrative) referenced during the hearing to ensure the clarity and accuracy of the court reporter's transcript and for the benefit of all participants appearing electronically.

C. Presenting Counsel

The Board generally expects lead counsel for each party to be present at the hearing. *See* CTPG 11. Any counsel of record may present the party's argument as long as that counsel is present.

D. Remote Attendance Requests

Members of the public may request to listen to and/or view this 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

⁷ If time permits, the Board may schedule a conference call with the parties to discuss any filed objections.

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