

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,  
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,  
Patent Owner.

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IPR2023-00621 (Patent 8,020,083 B1)  
IPR2023-00701 (Patent 8,510,407 B1)  
IPR2023-00756 (Patent 9,369,545 B2)<sup>1,2</sup>

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Before GRACE KARAFFA OBERMANN, KEVIN C. TROCK,  
AMBER L. HAGY, and SHARON FENICK, *Administrative Patent Judges*.<sup>3</sup>

FENICK, Administrative Patent Judge.

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<sup>1</sup> This Order addresses the same issue for the above-identified proceedings. Therefore, we exercise our discretion to issue one order to be filed in each proceeding. The parties are not authorized to use this style heading in any subsequent papers.

<sup>2</sup> The Board joined Apple Inc. as a party to IPR2023-00621 in IPR2024-00143, as a party to IPR2023-00701 in IPR204-00145, and to IPR2023-00756 in IPR2024-00144.

<sup>3</sup> This is not an expanded panel. Judges Trock, Hagy, and Fenick are the panel in IPR2023-00621 and IPR2023-00701. Judges Obermann, Hagy, and Fenick are the panel in IPR2023-00756.

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

I. ORAL ARGUMENT

A. *Time and Format*

Oral arguments will commence at 1:00 PM Eastern Time on July 12, 2024, by VIDEO.<sup>4</sup> The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.<sup>5</sup>

Petitioner will have a total of seventy-five (75) minutes to present argument in these proceedings and Patent Owner will have a total of seventy-five (75) minutes to respond. 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 Petitioner's argument. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. In accordance with the Consolidated Trial Practice Guide<sup>6</sup> ("CTPG"), issued in November 2019, Patent Owner may request to reserve time for a brief sur-rebuttal. *See* CTPG 83. Because this consolidated hearing shall relate to three distinct proceedings, counsel shall

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<sup>4</sup> We deny Patent Owner's request for an in-person hearing. The Board conducts an in-person hearing only when requested by all parties. *See* <https://www.uspto.gov/patents/ptab/hearings>. Given that Petitioner requests a video hearing, there will be no in-person option for attendance.

<sup>5</sup> If there are any concerns about disclosing confidential information, the parties must contact the Board at PTAB Hearings @uspto.gov at least ten (10) business days before the hearing date.

<sup>6</sup> Available at <https://www.uspto.gov/TrialPracticeGuideConsolidated>.

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make clear for the record which proceeding is under discussion at any given time during presentation of arguments.

The parties may request a pre-hearing conference in advance of the hearing. *See Id.* at 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 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](mailto: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. Demonstratives shall be filed no later than four (4) business days before the time of the hearing.<sup>7</sup>

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,

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<sup>7</sup> The parties may stipulate to an alternative schedule for serving demonstratives, and request that the Board modify the schedule for filing demonstratives at least seven (7) business days before the hearing date.

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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 85; *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, each demonstrative shall 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.

Due to the nature of the Board’s consideration of demonstratives and the opportunity afforded for the parties to reach an agreement without involving the Board, the Board does not anticipate that objections to demonstratives are likely to be sustained. Nevertheless, 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 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

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reserve ruling on the objections.<sup>8</sup> 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.

D. *Video Hearing Details*

To facilitate planning, each party must contact the Board at PTABHearings@uspto.gov at least five (5) business days prior to the 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 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 hearing will be conducted telephonically.

If one or both parties would prefer to participate in the hearing telephonically, they must contact the Board at PTABHearings@uspto.gov at

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<sup>8</sup> If time permits, the Board may schedule a conference call with the parties to discuss any filed objections.

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