

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

ACHATES REFERENCE PUBLISHING, INC.
Patent Owner

Case IPR2013-00080 (Patent 6,173,403)
Case IPR2013-00081 (Patent 5,982,889)¹

Before HOWARD B. BLANKENSHIP, JUSTIN T. ARBES, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

ORDER
Trial Hearing
35 U.S.C. § 316(a)(10)

¹ This Order addresses an issue pertaining to both cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Case IPR2013-00080 (Patent 6,173,403)

Case IPR2013-00081 (Patent 5,982,889)

Petitioner and Patent Owner requested a hearing pursuant to 37 C.F.R. § 42.70(a) in each of the instant proceedings. IPR2013-00080, Papers 63, 64; IPR2013-00081, Papers 54, 56. The requests are *granted*.

Each party will have ninety (90) minutes of total time to present arguments. Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable. Therefore, Petitioner will proceed first to present its case as to the challenged claims in Case IPR2013-00080, and may reserve rebuttal time. Patent Owner then will respond to Petitioner's case in Case IPR2013-00080. After that, Petitioner may use rebuttal time to respond to Patent Owner's presentation regarding Case IPR2013-00080. The same format will follow for Case IPR2013-00081. Because the two cases are related with some overlapping issues, the Board anticipates that the parties will use more of their total ninety-minute allotted time for Case IPR2013-00080.

The hearing will commence at 2:00 PM Eastern Time on February 26, 2014, and will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first come, first served basis.

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days prior to the hearing. They shall be filed with the Board two business days prior to the hearing and the parties must initiate a conference call with the Board at least two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative

Case IPR2013-00080 (Patent 6,173,403)

Case IPR2013-00081 (Patent 5,982,889)

exhibits. The parties are directed to IPR2013-00033, Paper 118, dated October 23, 2013, regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for Petitioner and Patent Owner to be present at the hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for either party will not be in attendance at the hearing, the Board should be notified via a joint conference call no later than two days prior to the hearing to discuss the matter.

Finally, Petitioner in its papers requested authorization to use a projector and screen at the hearing for displaying demonstrative exhibits. The Board will make a projector and screen available for both parties to use. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797.

Case IPR2013-00080 (Patent 6,173,403)

Case IPR2013-00081 (Patent 5,982,889)

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