

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

REMBRANDT SOCIAL MEDIA, L.P.,
Patent Owner.

Case IPR2014-00415
Patent 6,415,316

Before PHILLIP J. KAUFFMAN, JENNIFER S. BISK, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

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The Scheduling Order for this case set the date for oral hearing on April 6, 2015, if a hearing is requested by the parties and granted by the Board. Paper 10. Both parties requested a hearing pursuant to 37 C.F.R. § 42.70(a). Papers 23, 24. The request is *granted*.

Each party will have forty-five (45) minutes of total time to present arguments. Petitioner bears the ultimate burden of proof that Patent Owner's original patent claims at issue are unpatentable. Therefore, at oral hearing, Petitioner will proceed first to present its case with respect to the challenged claims and grounds with respect to which the Board instituted trial. Petitioner may reserve some of its argument time for rebuttal.

Thereafter, Patent Owner will respond to Petitioner's presentation, having available to it the entirety of its allotted argument time.

Finally, Petitioner may make use of the time it has reserved to rebut Patent Owner's opposing presentation with regard to the original patent claims.

The hearing will commence at 2:00 PM Eastern Time on April 6, 2015, 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), the parties shall serve any demonstrative exhibits upon each other at least five business days prior to the hearing. The parties also shall provide the demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this proceeding

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without prior authorization from the Board. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014 (Paper 65)), for guidance regarding the appropriate content of demonstrative exhibits.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

The parties are reminded that the 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. The parties also should note that two panel members will be attending the hearings electronically from a remote location and that if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797.

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

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