

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CAPTIONCALL, L.L.C.,
Petitioner,

v.

ULTRATEC, INC.,
Patent Owner.

Cases¹

IPR2015-01355 (Patent 5,974,116)
IPR2015-01357 (Patent 6,934,366 B2)
IPR2015-01358 (Patent 7,006,604 B2)
IPR2015-01359 (Patent 6,493,426 B2)

Before WILLIAM V. SAINDON, BARBARA A. BENOIT, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This order addresses issues that are the same in all four cases. We exercise our discretion to issue one order to be filed in each case.

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Patent Owner, Ultratec, Inc., requests oral argument in each of these proceedings pursuant to 37 C.F.R. § 42.70. Paper 65.² Petitioner, CaptionCall, L.L.C., states that it does not seek oral argument but requests that it be permitted to participate if oral argument is held. Paper 62. In the event oral argument occurs, Petitioner requests a consolidated hearing for IPR2015-01357, IPR2015-01358, and IPR2015-01359, and a separate hearing for IPR2015-01355. *Id.*

We grant the request for oral argument in these cases. Hearings will commence at **10:00 AM Eastern Time on Wednesday, September 28, 2016**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, VA. Three separate hearings will be held according to the following schedule:

10:00 AM	IPR2015-01355
11:00 AM (approx.)	IPR2015-01358
12:00 PM (approx.)	Break
1:30 PM (approx.)	IPR2015-01357 and IPR2015-01359 (consolidated)

For each hearing, each party will have thirty (30) minutes of argument time. Petitioner bears the ultimate burden of persuasion that the claims at

² All citations are to papers in IPR2015-01355 unless otherwise indicated.

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issue are unpatentable. Therefore, Petitioner will open each hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner then will have the opportunity to respond to Petitioner's arguments. Finally, Petitioner may use any time it has reserved for rebuttal to respond to arguments presented by Patent Owner.

The Board will provide a court reporter. A transcript for each hearing will constitute the official record of the hearing; the transcript for the third hearing will be filed in both IPR2015-01357 and IPR2015-01359. Although Motions to Seal are pending, neither party has requested that the oral hearings be closed to the public or otherwise indicated a need to discuss any confidential information during the hearing. After reviewing the record, we conclude the parties are capable of presenting their arguments without discussing confidential information, and we exercise our discretion to make the hearings publicly accessible. The hearings will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served on opposing counsel **at least seven (7) business days** before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), regarding the appropriate content of demonstrative exhibits. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

Any demonstrative exhibits must be filed with the Board **no later than 3:00 PM on Friday, September 23, 2016**. The Board expects that the

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parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties must file any objections to the demonstratives with the Board **no later than 3:00 PM on Monday, September 26, 2016**. The objections should identify with particularity which portions of the demonstratives are subject to objection, and include a short (one sentence or less) statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections and schedule a conference if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to the demonstrative exhibits that is not timely presented will be considered waived.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment must be made **no later than 3:00 PM on Friday, September 23, 2016**. The request is to be sent to Trials@uspto.gov. If the request is not timely received, the equipment may not be available on the day of the hearing.

The Board expects lead counsel for each party to be present at the oral hearing, although any counsel of record may make the actual presentation.

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