

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWILIO INC.,
Petitioner,

v.

TELESIGN CORPORATION,
Patent Owner.

Case IPR2016-00360
Patent 7,945,034 B2

Before SALLY C. MEDLEY, JUSTIN T. ARBES, and KIMBERLY
McGRAW, *Administrative Patent Judges*.

McGRAW, *Administrative Patent Judge*.

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

A Scheduling Order (Paper 19) was entered on June 28, 2016 setting the date for oral hearing as March 27, 2017, if hearing is requested by either party and granted by the Board. Both Petitioner and Patent Owner requested oral hearing pursuant to 37 C.F.R. § 42.70. *See* Papers 47, 48. The requests are GRANTED.

The oral hearing will commence at 9:00 AM, on March 27, 2017. Each party will have a total of sixty minutes to present its 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 and may reserve rebuttal time. Patent Owner then will argue its opposition to Petitioner's case, and may argue its motion to exclude (Paper 50) and contingent motion to amend (Paper 28). Patent Owner may reserve time to rebut Petitioner's opposition to the motion to exclude and contingent motion to amend. After that, Petitioner may use the rest of its time to respond to Patent Owner's presentation on all matters. Finally, if Patent Owner reserves rebuttal time, Patent Owner may only address issues raised by Petitioner regarding Patent Owner's motion to exclude and contingent motion to amend.

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

Demonstrative exhibits shall be served on opposing counsel at least five business days before the hearing. The parties also shall file the demonstrative exhibits with the Board at least three business days prior to the hearing by emailing them to Trials@uspto.gov. Each party shall provide a hard copy of their demonstratives to the court reporter at the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

We expect that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties may file any objections to demonstratives with the Board at least three business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. We will consider any objections and schedule a conference call if deemed necessary. Otherwise, we will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely filed will be considered waived.

The Board expects lead counsel for each party to be present at the oral hearing, although any backup counsel may present all or part of a party's argument. If either lead counsel is unable to be present at the hearing, the Board shall be advised by email no later than two (2) business

days prior to the oral hearing, and such lead counsel shall be available for a conference call if necessary.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Both parties have indicated that they desire to have audio-visual equipment available for use during the hearing. Formal 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.

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