

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ELECTRONIC ARTS INC.,
Petitioner,

v.

WHITE KNUCKLE GAMING, LLC,
Patent Owner.

Case IPR2016-00634
Patent 8,540,575 B2

Before MICHAEL W. KIM, CARL M. DEFRANCO, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

TRIAL HEARING ORDER
37 C.F.R. § 42.70

Petitioner, Electronic Arts Inc. (“EA”), requests an oral hearing pursuant to 37 C.F.R. § 42.70. Paper 23. Patent Owner, White Knuckle Gaming, LLC, did not file a request. EA’s request is *granted*.

The hearing will commence at 2:00 PM EST, May 17, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria,

Virginia. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are to contact the Board at least three (3) business days before the hearing to discuss the matter. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. Each party shall provide a hard copy of its demonstratives to the court reporter at the hearing.

Each party will have a total of forty-five (45) minutes to present its case. EA, as petitioner, bears the ultimate burden of proof that the claims at issue are unpatentable. Consequently, EA will proceed first to present its case on the grounds of unpatentability on which we instituted trial. White Knuckle will then follow and have the entirety of its allotted time to respond to EA's case. EA may then use any time it reserves to rebut White Knuckle's response.

At least five (5) business days prior to the hearing, each party shall *serve* on the other party any demonstrative exhibits it intends to use during the hearing. See 37 C.F.R. § 42.70(b). The parties also shall provide the demonstrative exhibits to the Board at least two (2) business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this case without prior authorization from the Board.

The parties should attempt to work out any objections to demonstratives prior to involving the Board. The parties must initiate a conference call with the Board at least two (2) business days before the

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hearing to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The parties are advised to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice.

The parties are reminded that counsel 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 transcript. The parties also should note that at least one member of the panel may be attending the hearing electronically from a remote location, and that if a demonstrative is not filed or otherwise made fully available or visible to all judges at the hearing, that demonstrative will not be considered.

The parties also are reminded that, at the hearing, they may only rely upon evidence that has been previously submitted in the proceeding and may only present arguments that have been previously made in the submitted papers. No new evidence or arguments may be presented at the oral hearing.

We expect lead counsel for each party to be present in person at the hearing. Any counsel of record, however, may present the party's argument. If either party expects that its lead counsel will not attend the hearing, the parties should initiate a joint telephone conference with us no later than three (3) business days prior to the hearing to discuss the matter.

Requests for audio-visual equipment are to be made five (5) business 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.

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