

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYMANTEC CORPORATION,
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,
Patent Owner.

Case IPR2016-01433
Patent 7,757,298 B2

Before THOMAS L. GIANNETTI, HYUN J. JUNG, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

The parties have requested oral argument pursuant to 37 C.F.R. § 42.70. *See* Papers 20, 21. The requests are *granted*.

The hearing will commence at 1:00 PM Eastern Time on October 12, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will be open to the public for in-person attendance, and 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.

Each party will have 30 minutes of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, at the hearing, Petitioner will proceed first to present its arguments on the asserted grounds of unpatentability on which we instituted trial. Petitioner may reserve rebuttal time. Thereafter, Patent Owner will argue its opposition to Petitioner's case. Petitioner may then use any time Petitioner reserved to rebut Patent Owner's opposition.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days before the hearing. The parties may refer to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, slip op. 2–5 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. The parties shall meet and confer to discuss any objections to demonstrative exhibits. The parties shall email their demonstratives to Trials@uspto.gov at least three business days before the hearing. If any issues regarding demonstratives remain unresolved after the parties meet and confer, the parties shall file jointly a one-page list of objections to the demonstrative

exhibits at least three business days before the hearing. For each objection, the list must identify with particularity the demonstratives subject to the objection and include a short, one-sentence statement explaining the objection. The panel will consider the objections and schedule a conference call if necessary. Otherwise, rulings on the objections will be reserved until the hearing or after the hearing. Any objection to demonstrative exhibits not presented timely will be considered waived. The parties are not authorized to file their demonstratives unless instructed by the Board. The parties are reminded that the demonstrative exhibits presented in this case are not evidence and are intended only to assist the parties in presenting their oral argument to the panel.

Each party shall provide a hard copy of its demonstratives to the court reporter at the hearing. At least one judge will be participating remotely via a videoconferencing device and will not be able to view the projection screen in the hearing room. Consequently, 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 transcript.

The Board expects lead counsel for each party to be present in person at the hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be attending the hearing, that party should initiate a joint telephone conference with the other party and the panel no later than three business days prior to the hearing to discuss the matter.

Requests for audio-visual equipment are to be made five business days in advance of the hearing date. The request is to be sent to

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Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

It is

ORDERED that oral argument will commence at 1:00 PM Eastern Time on October 12, 2017 in Alexandria, Virginia.

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