

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWILIO INC.,
Petitioner,

v.

TELESIGN CORPORATION,
Patent Owner.

Case IPR2016-01688
Patent 9,300,792 B2

Before SALLY C. MEDLEY, MICHAEL W. KIM, and JUSTIN T. ARBES,
Administrative Patent Judges.

ARBES, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

Petitioner and Patent Owner each requested a hearing in the above proceeding pursuant to 37 C.F.R. § 42.70(a). *See* Papers 21, 22. The requests are *granted*.

Each party will have forty-five (45) minutes of total time to present 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 respond to Petitioner's presentation and may argue its motion to exclude and reserve rebuttal time. Petitioner then may use the rest of its time to respond to Patent Owner's presentation on all matters. Finally, Patent Owner may use any remaining time only to address issues raised by Petitioner regarding Patent Owner's motion to exclude.

The hearing will commence at 9:00 AM Eastern Time on October 25, 2017. The 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 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), demonstrative exhibits must be served at least seven business days prior to the hearing. The parties shall confer with each other regarding any objections to demonstrative exhibits, and file demonstrative exhibits with the Board at least two business days prior to the hearing. For any issue that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections at least two business days prior to the hearing. The list should identify with particularity which demonstrative exhibits are subject to objection and

include a short statement (no more than one sentence) of the reason for each objection. No argument or further explanation is permitted. We will consider the objections and schedule a conference call if necessary. Otherwise, we will reserve ruling on the objections until the hearing or after the hearing. Any objection to demonstrative exhibits that is not presented timely will be considered waived. Each party also shall provide a hard copy of its demonstrative exhibits to the court reporter at the hearing.

The parties are directed to *St. Jude Med., Cardiology Div., Inc. v. Board of Regents of the Univ. of Mich.*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. 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 Board expects lead counsel for Petitioner and Patent Owner to be present at the hearing, although any back-up counsel may make the actual presentation, in whole or in part. If lead counsel for any party will not be in attendance at the hearing, the Board should be notified via a joint conference call no later than two days prior to the hearing to discuss the matter.

Requests for audio-visual equipment at the hearing are to be made five days in advance of the hearing date. The requests must be sent to *Trials@uspto.gov*. If the requests are not received timely, equipment may not be available on the day of the hearing. Further, 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.

IPR2016-01688
Patent 9,300,792 B2

PETITIONER:

Wayne O. Stacy
Eliot D. Williams
BAKER BOTTS L.L.P.
wayne.stacy@bakerbotts.com
eliot.williams@bakerbotts.com

PATENT OWNER:

Jesse Camacho
Elena McFarland
Ryan Dykal
Christine Guastello
Mary Peal
Amy Foust
SHOOK, HARDY & BACON L.L.P.
jcamacho@shb.com
emcfarland@shb.com
rdykal@shb.com
cguastello@shb.com
telesignipr@shb.com
afoust@shb.com