

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

IMMERSION CORPORATION,
Patent Owner.

Case IPR2016-01907
Patent 7,808,488 B2

Before BRYAN F. MOORE, PATRICK R. SCANLON, and
MINN CHUNG, *Administrative Patent Judges*.

SCANLON, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

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The date set for oral argument in this proceeding is January 10, 2018, if oral argument is requested by either party and granted by the Board. Paper 11. Both parties have requested oral argument pursuant to 37 C.F.R. § 42.70. Papers 25, 29. The parties' requests are *granted* to the extent set forth below.

Oral argument will commence promptly after the hearing for related Case IPR2016-01907 (scheduled to commence at 1:00 PM Eastern Time), at approximately **2:00 PM** Eastern Time, on **Wednesday, January 10, 2018**. The oral argument will be conducted on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The oral argument will be open to the public for in-person attendance, which will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the oral argument, and the reporter's transcript will constitute the official record of the oral argument. Each party will have a total of **45 minutes** to present arguments. Because Petitioner bears the ultimate burden of persuasion that the claims at issue are unpatentable, Petitioner will begin the oral argument by presenting its case regarding the challenged claims at issue. Thereafter, Patent Owner will argue its opposition to Petitioner's case. Patent Owner also may present its arguments in support of its Motion to Exclude Evidence. Petitioner may reserve time to rebut Patent Owner's opposition, including arguments regarding Patent Owner's Motion to Exclude Evidence.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the oral argument. The parties shall file the demonstrative exhibits at least two business days before the oral argument. We expect that the parties will meet and confer in good faith to resolve all

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objections to demonstrative exhibits, but if such objections cannot be resolved, the parties may file objections to demonstrative exhibits with the Board at least two business days before the oral argument. Any objection that is not timely presented will be considered waived. The objections should identify with particularity which demonstrative exhibits 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 until after the oral argument. The parties may refer to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB October 23, 2013) (Paper 118), and *St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present at the oral argument, although backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at the oral argument, the Board should be notified via a joint telephone conference call no later than two days prior to the oral argument to discuss the matter.

Any requests for audio-visual equipment must be emailed to Trials@uspto.gov at least two days before the oral argument. 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 oral argument to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that one or more panel members will

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be participating via teleconferencing and will have access to only the courtesy copy of the demonstratives provided in advance, as referenced above.

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