

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

COMCAST CABLE COMMUNICATIONS, LLC,  
Petitioner,

v.

ROVI GUIDES, INC.,  
Patent Owner.

---

Case No.: IPR2017-00217  
Patent 7,996,864 B2

---

Before JENNIFER S. BISK, BARBARA A. BENOIT, and TERRENCE W.  
McMILLIN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

ORDER  
ORAL ARGUMENT  
*37 C.F.R. § 42.70*

Both parties made timely requests for oral argument pursuant to 37 C.F.R. § 42.70. Papers 33, 36. The requests are *granted*.

The oral argument will commence at **1:00 PM Eastern Time**, on **February 7, 2018**, and will be conducted at the **USPTO Madison Building, 9<sup>th</sup> Floor East Wing, 600 Dulany Street, Alexandria, Virginia**. The oral argument will be open to the public for in-person attendance that will be accommodated on a first-come, first-serve basis. If the parties have any concern about disclosing confidential information, they are requested to contact the Board at least 7 days in advance of the oral argument to discuss the matter.

Each party will have 60 minutes to present its arguments, for a total of 120 minutes. Because Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable, Petitioner will proceed first to present its case as to the challenged claims and grounds on which the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's case. Petitioner may reserve some of its argument time for use in further presentation after Patent Owner has responded to Petitioner's initial presentation. No live testimony from any witness will be taken at the oral argument.

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

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. The oral argument transcript will be entered in the record of this proceeding.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the oral argument date. At least three business days before the oral argument, each of the parties shall file in the proceedings any demonstrative exhibits by filing as a single exhibit its set of demonstrative exhibits for oral argument.<sup>1</sup>

The parties must file any objections to the demonstratives with the Board at least two business days before the oral argument. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The objections should identify with particularity which demonstratives 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 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

---

<sup>1</sup> The demonstrative exhibits are not evidence and will not be considered as evidence unless otherwise ordered.

IPR2017-00217  
Patent 7,996,864 B2

demonstrative exhibits. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (The Board has the discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives.).

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 be attending the oral argument electronically and will only have access to the demonstratives provided in advance, as referenced above.

Requests for audio-visual equipment are to be made 5 days in advance of the oral argument date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may not be available on the day of the oral argument.

IPR2017-00217  
Patent 7,996,864 B2

PETITIONER:

Frederic M. Meeker  
Bradley C. Wright  
Craig W. Kronenthal  
Scott M. Kelly  
BANNNER & WITCOFF, LTD  
[fmeeke@bannerwitcoff.com](mailto:fmeeke@bannerwitcoff.com)  
[bwright@bannerwitcoff.com](mailto:bwright@bannerwitcoff.com)  
[ckronenthal@bannerwitcoff.com](mailto:ckronenthal@bannerwitcoff.com)  
[skelly@bannerwitcoff.com](mailto:skelly@bannerwitcoff.com)

PATENT OWNER:

Mark D. Rowland  
Gabrielle E. Higgins  
James R. Batchelder  
Josef B. Schenker  
ROPES & GRAY LLP  
[Mark.Rowland@ropesgray.com](mailto:Mark.Rowland@ropesgray.com)  
[Gabrielle.Higgins@ropesgray.com](mailto:Gabrielle.Higgins@ropesgray.com)  
[James.Batchelder@ropesgray.com](mailto:James.Batchelder@ropesgray.com)  
[Josef.Schenker@ropesgray.com](mailto:Josef.Schenker@ropesgray.com)