

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

FUJIFILM CORPORATION,
Patent Owner.

Case IPR2017-00809
Patent 6,703,106 B2

Before JO-ANNE M. KOKOSKI, JEFFREY W. ABRAHAM, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Petitioner and Patent Owner each request an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 31, 32. Petitioner requests 60 minutes of total argument time. Paper 32, 1. Patent Owner did not request a specific amount of argument time. Paper 31. Having considered the parties' submissions, the parties' request for oral argument is GRANTED.

Each party will have **60 minutes** of total argument time. Patent Owner will proceed first to present its case with regard to whether its Motion to Amend meets the requirements set forth under 37 C.F.R. § 42.121. Patent Owner may reserve rebuttal time to respond to arguments presented by Petitioner. Thereafter, Petitioner may respond to Patent Owner's arguments regarding the requirements for a motion to amend under 37 C.F.R. § 42.121, and present its arguments regarding the patentability of new claims 7–12. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner regarding the patentability of claims 7–12. Patent Owner may then present any rebuttal arguments regarding the requirements for a motion to amend under 37 C.F.R. § 42.121 and may respond to Petitioner's arguments regarding the patentability of claims 7–12. Finally, Petitioner may present any rebuttal arguments regarding the patentability of claims 7–12.

The hearing shall commence at 1:00 pm (EST) on May 17, 2018. The hearing will be open to the public for in-person attendance on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, VA. Seating will be available on a first-come, first-served basis. The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served seven business days before the hearing. The parties also shall provide the demonstrative exhibits to the Board at least three business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board.

The Board reminds the parties that demonstrative exhibits are not evidence, but are intended to assist the parties in presenting their oral arguments to the Board. The Board also reminds the parties that demonstrative exhibits are not a mechanism for making arguments not previously addressed in the papers. 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 demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties may file any remaining objections with the Board at least three business days before the oral hearing. The objections should identify with particularity the portions of the demonstrative exhibits that are subject to objection and include a one-sentence statement of the basis for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections until the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

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The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral argument, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter.

Questions regarding specific audio-visual equipment should be directed to the Board at 571-272-9797. Requests for audio-visual equipment are to be made no later than 5 days in advance of the hearing date. The request is to be sent directly to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

In light of the foregoing, it is:

ORDERED that the oral hearing, conducted pursuant to the procedures outlined above, shall commence at 1:00 PM (EST) on May 17, 2018.

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