

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

MAKOR ISSUES & RIGHTS LTD.,
Patent Owner.

IPR2017-00815 (Patent 6,480,783 B1)¹
IPR2017-00816 (Patent 6,480,783 B1)
IPR2017-00817 (Patent 6,480,783 B1)
IPR2017-00818 (Patent 6,615,130 B2)

Before HYUN J. JUNG, BEVERLY M. BUNTING, and
ROBERT L. KINDER, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

ORDER
ORAL HEARING
37 C.F.R. § 42.70

¹ This order addresses issues common to all cases; therefore, we issue a single order to be entered in each case. The parties are not authorized to use this style heading for any subsequent papers.

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IPR2017-00817; IPR2017-00818

We instituted the above-identified *inter partes* reviews. Paper 7². Both parties request oral hearing pursuant to 37 C.F.R. § 42.70 and also request that arguments be presented collectively for all four proceedings at the same time. Papers 21, 23. The requests are *granted*.

Oral argument will commence at 10:00 AM ET on May 3, 2018. The hearing will be conducted at the USPTO Headquarters, Ninth Floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, 22314 (Hearing Room A).³

The hearing will be open to the public for in-person attendance, which will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are requested to contact the Board at least seven days in advance of the hearing to discuss the matter.

Each party will have sixty (60) minutes to present its arguments, for a total of 120 minutes. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Therefore, at oral hearing Petitioner will proceed first to present its case with regard to the challenged claims and grounds on which basis we instituted trial. Petitioner may reserve a *reasonable* rebuttal time. Thereafter, Patent Owner will argue its opposition to Petitioner's case. Petitioner may use any time Petitioner reserved to rebut Patent Owner's opposition. Patent Owner may not reserve

² Paper numbers refer to IPR2017-00815.

³ See <https://www.uspto.gov/about-us/uspto-locations/alexandria-virginia-headquarters> for additional information.

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rebuttal time. No live testimony from any witness will be taken at the oral argument. Also, the parties are reminded that, at the oral argument, they “may rely upon evidence that has been previously submitted in the proceeding and may only present arguments relied upon in the papers previously submitted.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). “No new evidence or arguments may be presented at the oral argument.” *Id.*

The Board will provide a court reporter for the hearing, and the reporter’s transcript will constitute the official record of the hearing. The hearing transcript will be entered in the record of this proceeding.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served on opposing party seven (7) business days prior to the hearing. The parties shall submit a courtesy copy of any demonstrative exhibits by email to Trials@uspto.gov at least five (5) business days prior to the hearing. After meeting and conferring to address any objections to demonstratives, the parties must file any objections to the demonstratives with the Board at least three (3) business days before the hearing. 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. Any objection to demonstrative exhibits that is not timely presented will be considered waived. Additionally, the Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties are directed to notify the Board by email no later than two (2) business days prior to the hearing to

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resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are responsible for requesting such a conference sufficiently in advance of the hearing to accommodate this requirement. The Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice. 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.

At least one member of the panel will be attending the hearing electronically from a remote location and will only have access to the courtesy copy of the demonstratives provided in advance, as referenced above, and will not be able to view the projection screen in the hearing room. Thus, if a demonstrative exhibit is not made available in advance or visible to the judge(s) presiding over the hearing remotely, that demonstrative exhibit will not be helpful. The parties are reminded that each 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 and for the benefit of the judge(s) presiding over the hearing remotely. A hard copy of the demonstratives, if used, may be provided to the court reporter at the hearing.

The Board expects lead counsel for each party to be present in person at the oral hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be

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attending the oral argument, the parties should request a joint telephone conference with the Board no later than two (2) business days prior to the oral hearing to discuss the matter.

Specific requests for video equipment should be directed to Trials@uspto.gov at least **five (5) days in advance of the hearing date**. If the request is not received timely, the equipment may not be available on the day of the hearing. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797.

It is

ORDERED that oral argument will commence at 10:00 AM ET on May 3, 2018 at the USPTO Headquarters, Alexandria, Virginia.

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