

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION AND VIMEO, INC.,
Petitioner,

v.

LINK ENGINE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2017-00886
Patent 7,480,694 B2

Before RAMA G. ELLURU, SCOTT A. DANIELS, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

ORDER
Request for Oral Argument
37 C.F.R. § 42.70

The Scheduling Order for this case sets the date for oral hearing as May 8, 2018, if a hearing is requested by the parties and granted by the panel. *See* IPR2017-00886, Paper 10. Both parties have requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 24, 27. The requests are *granted*.

Oral arguments will commence at 1:00 pm Eastern Time on May 8, 2018, on the ninth floor of Madison Building East, 600 Dulany Street,

Alexandria, Virginia. Each party will have 45 minutes total time to present arguments. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. After Petitioner's presentation, Patent Owner will respond to Petitioner's argument. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner.

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 will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Under 37 C.F.R. § 42.70(b), the parties shall serve any demonstrative exhibits upon each other at least five business days prior to the hearing. The parties also shall provide the demonstrative exhibits to the Board at least five 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 parties must file any objections to the demonstratives with the Board at least two business days before the hearing. 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*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) for guidance 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 parties also should note that two members of the panel proceeding will be attending the hearings electronically from a remote location and that, if a demonstrative is not made available to a judge presiding over the hearing remotely, that demonstrative will not be considered.

Any counsel of record may present the party's argument. From Patent Owner's email of April 24, 2018, lead counsel from Patent Owner will not be attending oral hearing. If either party expects any other changes the parties should initiate a joint telephone conference with the panel no later than two business days prior to the oral hearing to discuss the matter.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the above email address not less than five days before the hearing.

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