

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

BLACKBERRY LTD.,
Patent Owner.

Case IPR2017-00913 (Patent 8,402,384 B2)
Case IPR2017-00914 (Patent 8,713,466 B2)¹

Before SALLY C. MEDLEY, ROBERT J. WEINSCHENK, and
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

MARSCHALL, *Administrative Patent Judge*.

ORDER
Oral Hearing
35 U.S.C. § 316(a)(10) and 37 C.F.R. § 42.70

¹ This Order pertains to both of these cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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Case IPR2017-00914 (Patent 8,713,466 B2)

The Scheduling Orders for the above-listed cases set the date for the oral hearing as May 30, 2018. Paper 8, 6.² Each party requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 23, 24. The parties' requests for an oral hearing are *granted*.

The hearing will commence at 3:15 PM ET on May 30, 2018, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Each party will have a total of sixty (60) minutes to present any arguments relating to the above-listed cases. Petitioner bears the ultimate burden of proof that the claims under review in these cases are unpatentable. Therefore, Petitioner will proceed first, and Patent Owner will follow. Petitioner may then use any time Petitioner reserved for rebuttal. The parties are reminded that the presenter must identify clearly and specifically any 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 the ability of all judges to follow the presenter's arguments.

Under 37 C.F.R. § 42.70(b), the parties shall serve any demonstrative exhibits upon each other at least seven (7) business days prior to the hearing. The parties shall file the demonstrative exhibits with the Board at least five (5) business days prior to the hearing.

² We cite to the record in IPR2017-00913, unless otherwise noted.

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We expect the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits. If such objections cannot be resolved, the parties must initiate a conference call with the Board at least two (2) business days prior to the hearing to resolve any objections to demonstrative exhibits. Any objection to demonstrative exhibits that are not timely presented at least two (2) business days prior to the hearing will be considered waived.

We expect lead counsel for each party to attend the hearing. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,758 (Aug. 14, 2012). However, any counsel of record may present the party's arguments. If either party anticipates that its lead counsel will not attend the hearing, the parties shall request and make themselves available for a conference call with the Board to occur no later than two (2) business days prior to the hearing to discuss the reasons for that lead counsel's absence.

Any requests regarding special equipment or needs, such as 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 identified email address not less than five (5) business days before the hearing.

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