

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WARGAMING GROUP LIMITED and ACTIVISION BLIZZARD, INC.,  
Petitioner,

v.

GAME AND TECHNOLOGY CO., LTD.,  
Patent Owner.

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Case IPR2017-01082  
Patent 7,682,243 B2

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Before STACEY G. WHITE, DANIEL J. GALLIGAN, and  
SCOTT B. HOWARD, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

ORDER  
*Trial Hearing*  
37 C.F.R. § 42.70

The parties request oral argument pursuant to 37 C.F.R. § 42.70. Papers 55, 56. We grant the parties' requests. The date for oral argument is July 11, 2018. Based on our review of the record, we determine that two hours of oral argument time, in total, is sufficient to address the issues. Accordingly, each party will have one hour of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue are unpatentable (*see* 35 U.S.C. § 316(e)) and will proceed first to present its case with regard to the challenged claims on which we instituted trial and with respect to its Motion to Exclude. Thereafter, Patent Owner may respond to Petitioner's case. After that, Petitioner may use any of its remaining time for rebuttal.

Regarding oral argument, the Office Patent Trial Practice Guide provides: "A party may rely upon evidence that has been previously submitted in the proceeding and may only present arguments relied upon in the papers previously submitted. No new evidence or arguments may be presented at the oral argument." 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). We note that a District Court's Order construing several terms of the patent at issue has been made of record in this proceeding. Ex. 2035. If a party deems appropriate, it may address the impact, if any, of the District Court's claim constructions on this proceeding.

**Please note the time and location of the hearing.** The hearing will commence at **1:00 PM Central Time**, on **July 11, 2018**, at the **Texas Regional Office of the USPTO**, 207 South Houston St., Suite 159, Dallas, Texas 75202, and it will be open to the public for in-person attendance. Attendees will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are to contact the Board at least 10 days in advance of the hearing to discuss the matter. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the

official record of the hearing. No live testimony from any witness will be taken at the oral argument. Any counsel of record may present the party's argument.

Any demonstrative exhibits must be served seven business days before the hearing. 37 C.F.R. § 42.70(b). **Demonstrative exhibits are not evidence and may not introduce new evidence or arguments.** Instead, demonstrative exhibits should cite to evidence in the record. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case No. IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. 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 presented timely 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. Demonstratives should be filed at the Board no later than two days before the hearing. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

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 at least five (5) business days in advance of the hearing 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 hearing.** 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

IPR2017-01082  
Patent 7,682,243 B2

hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that one member of the panel will be attending the hearing electronically from a remote location and that, if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at 571-272-9797.

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IPR2017-01082  
Patent 7,682,243 B2

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