

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FUJIFILM CORPORATION,
Petitioner,

v.

SONY CORPORATION
Patent Owner.

Case IPR2017-01356
Patent 7,016,137

Before JEFFREY S. SMITH, BART A. GERSTENBLITH, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

SMITH, *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 33, 36. The requests are GRANTED.

Oral argument will be held on Wednesday, October 3, 2018, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, commencing at 1:00 p.m. Eastern Time. Each party will have 60 minutes of total argument time. Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. 35 U.S.C. § 316(e). Petitioner will proceed first to present its case with regard to the claims on which trial was instituted. Thereafter, Patent Owner may respond to Petitioner's case and argue its own Motions, if any, and then Petitioner may use any of its remaining time for rebuttal regarding the challenged claims. Should Patent Owner request a sur-rebuttal, we will consider such request at the oral argument.

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. The hearing 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. 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 IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate

content of demonstrative exhibits. The parties shall confer regarding any objection either party has to the other party's demonstrative exhibits and attempt to resolve the objections. Should the objections not be resolved, 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 business 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. 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 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

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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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