

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

HUAWEI TECHNOLOGIES CO., LTD.,
Patent Owner.

Case IPR2017-01471 (Patent 8,412,197 B2)
Case IPR2017-01473 (Patent 8,885,583 B2)
Case IPR2017-01474 (Patent 8,639,246 B2)
Case IPR2017-01475 (Patent 8,996,003 B2)¹

Before TREVOR M. JEFFERSON, MICHELLE N. WORMMEESTER, and
JOHN F. HORVATH, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

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

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

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On September 4, 2018, Petitioner and Patent Owner filed separate requests for oral argument in each of these proceedings. Papers 36, 39.² Due to the commonality of issues presented in IPR2017-01471, IPR2017-01474, and IPR2017-01475, the parties mutually agree and request a joint hearing for these proceedings, and that they be granted 45 minutes of oral argument per side. Paper 36, 1; Paper 39, 1. The parties also request that we hear arguments in this joint hearing prior to arguments in the hearing for IPR2017-01473. *Id.* The parties also mutually agree and request that they be granted 45 minutes of oral argument per side for the hearing in IPR2017-01473. Paper 35, 1; Paper 37, 1.³

The parties' requests are *granted*, and oral arguments will be held on September 27, 2018, commencing at 1:00 p.m. Eastern Time, in Hearing Room B on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314.⁴ The hearings will be open to the public for in-person attendance, which will be accommodated on a first come first served basis. The Board will provide a court reporter for the hearings, and the reporter's transcript will constitute the official record of the hearings. One

² Unless otherwise noted, we cite to the papers filed in IPR2017-01471. Substantially similar papers were filed in IPR2017-01473, IPR2017-01474, and IPR2017-01475.

³ We cite to the papers filed in IPR2017-01473.

⁴ We note Patent Owner's request to conduct the proceeding in Hearing Room A. Unfortunately, Hearing Room A is unavailable, and the proceedings will be conducted in Hearing Room B.

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IPR2017-01473 (Patent 8,885,583 B2)
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member of the panel will be electronically attending the hearings from a remote location.

The hearings will be conducted in the order requested by the parties, a joint hearing for IPR2017-01471, 2017-01474, and IPR2017-01475 commencing at 1 p.m. Eastern Time, followed by a hearing for IPR2017-01473 commencing at approximately 3 p.m. Eastern Time. For each hearing, each party will have forty-five (45) minutes of *total* argument time. Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable. Therefore, Petitioner will proceed first, and will present its arguments with regard to the challenged claims and grounds on which we instituted trial. Petitioner may reserve some of its time for rebuttal. Thereafter, Patent Owner may respond to Petitioner's arguments. Petitioner may then make use of any remaining time to respond to Patent Owner's arguments.

Currently pending, in each proceeding, is Patent Owner's motion to exclude, on which Patent Owner bears the burden of proof. Paper 38. To the extent Patent Owner wishes to argue the merits of its motions to exclude at the hearings, it may do so during the times allotted for responding to Petitioner's patentability challenges, and Petitioner may respond during any time it has left for rebuttal as described above. Moreover, Patent Owner may reserve time solely to rebut Petitioner's responses to Patent Owner's motions to exclude.

Under 37 C.F.R. § 42.70(b), any demonstrative exhibits to be presented at the hearings must be served seven business days before the hearings. They shall be filed with the Board no later than **three business**

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days before the hearings. Any objection to demonstrative exhibits should be resolved at least two business days prior to the hearings by way of a joint telephone conference call to the Board. Any objection to demonstrative exhibits that is not timely presented will be considered waived. For guidance on appropriate content in demonstrative exhibits, the parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (Oct. 23, 2013).

At the hearings, a hard copy of the demonstrative exhibits should be provided to the court reporter. Any party referencing a demonstrative exhibit must clearly and specifically identify the referenced exhibit to ensure the clarity and accuracy of the reporter's transcript, and to assist remote panel members.

Questions regarding specific audio-visual equipment that may be needed to facilitate the presentation of demonstrative exhibits should be directed to the Board at (571) 272-9797. Requests for specific audio-visual equipment, including overhead projectors and screens, should be made five business days in advance of the hearing, and should be sent directly to Trials@uspto.gov. If the request is not timely received, the equipment may not be available on the day of the hearing.

The Board expects lead counsel for each party to be present in person at the oral hearings. However, lead or backup counsel may put forward a party's arguments. If either party anticipates that its lead counsel will not be attending the oral hearings, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearings to discuss the matter.

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