

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZSCALER INC.,
Petitioner,

v.

SYMANTIC CORPORATION
Patent Owner.

Case IPR2018-00916 (Patent 7,360,249 B1)
Case IPR2018-00920 (Patent 9,525,696 B2)

Before JEFFREY S. SMITH, BRYAN F. MOORE, and NEIL T. POWELL,
Administrative Patent Judges.

SMITH, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

IPR2018-00916 (Patent 7,360,249 B1)
IPR2018-00920 (Patent 9,525,696 B2)

On July 12, 2019, Petitioner filed a request for oral argument pursuant to 37 C.F.R. § 42.70 in IPR 2018-00916 (Paper 31) and IPR2018-00920 (Paper 29). The requests are GRANTED.

The hearings will be held on Thursday, August 8, 2019, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, commencing at 2:00 p.m. Eastern Time. As proposed by Petitioner, each party will have 30 minutes of total argument time for each hearing. We will first hear IPR2018-00916, then we will hear IPR2018-00920. We will have a five minute break between the hearings.

Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. 35 U.S.C. § 316(e). For each hearing, Petitioner will proceed first to present arguments with regard to the claims on which trial was instituted. Thereafter, Patent Owner may respond to Petitioner's arguments 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 hearing.

The Board will provide a court reporter, and the reporter's transcript will constitute the official record of the hearing. No live testimony from any witness will be taken at the hearings. The hearings 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 hearings to discuss the matter. Any counsel of record may present the party's argument, but the Board expects lead counsel for each party to be present at the hearings. If either party anticipates that its lead counsel will not be present, the parties should initiate a joint telephone conference with the Board at least two days before the hearings.

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Any demonstrative exhibits must be served seven business days before the hearings. 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 hearings. A hard copy of the demonstratives should be provided to the court reporter at the hearings.

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

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demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

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