

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

Case IPR2019-01337
Patent 7,136,999 B1

Before JENNIFER S. BISK, MIRIAM L. QUINN, and
CHRISTOPHER C. KENNEDY, *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

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

Petitioner Apple Inc. and Patent Owner Uniloc 2017, LLC each request oral argument in this *inter partes* review trial pursuant to 37 C.F.R. § 42.70. Papers 12, 14. Uniloc requests one hour of total argument time, 30 minutes per side. Paper 12, 1. Apple does not specify any proposed argument time. Paper 14. Upon consideration, Uniloc's request is granted, and each party shall have 30 minutes of argument time.

Oral arguments will commence at 1:00 pm Eastern time on October 21, 2020, by video. The parties are directed to contact the Board at least 10 days in advance of the argument if there are any concerns about disclosing confidential information. The Board will provide a court reporter for the argument, and the reporter's transcript will constitute the official record of the argument.

If at any time during the proceeding, you encounter technical or other difficulties that fundamentally undermine your ability to adequately represent your client, please let the panel know immediately, and adjustments will be made.

To facilitate planning, each party must contact PTAB Hearings at PTABHearings@uspto.gov five business days prior to the oral argument date to receive video set-up information. As a reminder, all arrangements and the expenses involved with appearing by video, such as the selection of the facility to be used from which a party will attend by video, must be borne by that party. If a video connection cannot be established, the parties will be provided with dial-in connection information, and the oral argument will be conducted telephonically.

If one or both parties would prefer to participate in the oral argument telephonically, they should notify PTAB Hearings at the above email

address five business days prior to the argument to receive dial-in connection information.

Apple, as Petitioner, bears the ultimate burden of proof that the claims at issue in the *inter partes* reviews are unpatentable. Therefore, Apple will open the argument by presenting argument regarding the pending grounds of unpatentability. Uniloc will then have the opportunity to respond to Apple's arguments. If desired, Apple may reserve rebuttal time, not to exceed half the total time allotted. Apple is cautioned that rebuttal time may only be used to respond to issues raised during Uniloc's argument. If requested, the Board may permit Uniloc to present a short sur-rebuttal argument to address any issues raised during Apple's rebuttal.

Demonstrative exhibits shall be served on opposing counsel pursuant to 37 C.F.R. § 42.70(b), and filed with the Board no later than two business days before the argument. Upon filing, a copy of the demonstrative exhibits should also be emailed to PTABHearings@uspto.gov so that they may be provided to the court reporter prior to the video hearing. All pages of demonstrative exhibits should be clearly marked with the legend "DEMONSTRATIVE EXHIBIT—NOT EVIDENCE." The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved the parties may file any objections to demonstratives with the Board at least two business days before the argument. The objections

should identify with particularity which portions of the demonstrative exhibits are subject to objection and include a one-sentence statement of the basis for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The Board generally expects lead counsel for each party to be present by video at the oral argument. Any counsel of record that is present by video may present the party's argument.

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at a video oral argument, such as a request to accommodate visual or hearing impairments, and indicate how the Board may accommodate the special request. Any special requests must be presented in a separate communication not less than five days before the argument.

The panel will have access to all papers filed with the Board, including demonstratives. During the oral argument, counsel are advised to identify clearly and specifically each demonstrative referenced (e.g., by slide or screen number) to ensure the clarity and accuracy of the court reporter's transcript. In addition, counsel are advised to speak slowly and identify themselves each time they speak. The parties should be aware that the remote nature of the oral argument may also result in an audio lag, so

IPR2019-01337
Patent 7,136,999 B1

counsel are advised to observe a pause prior to speaking, so as to avoid speaking over others. Please unmute yourself only when speaking.

Members of the public may request to listen in on this oral argument. If resources are available, the Board generally expects to grant such requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board by contacting PTABHearings@uspto.gov at least five business days prior to the oral argument date.

In light of the foregoing, it is ORDERED that oral argument, conducted pursuant to the procedures outlined above, shall commence at 1:00 pm Eastern time on October 21, 2020.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.