

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.,
Petitioner,

v.

NETWORK-1 TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2015-00343 (Patent 8,640,179 B1)
Case IPR2015-00345 (Patent 8,205,237 B2)
Case IPR2015-00347 (Patent 8,010,988 B2)
Case IPR2015-00348 (Patent 8,656,441 B1)¹

Before KEVIN F. TURNER, LYNNE E. PETTIGREW, and
JON B. TORNQUIST, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ We use this caption in this paper to indicate that this Order applies to, and is entered in, all four cases. The parties are not authorized to use this caption.

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Petitioner, Google, Inc., and Patent Owner, Network-1 Technologies, Inc., each request a consolidated oral hearing for these four proceedings pursuant to 37 C.F.R. § 42.70. *See* Papers 21, 22 (in each proceeding). The requests are *granted*. The consolidated hearing will commence at **2:00 PM Eastern Time on Wednesday, March 9, 2016**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, VA.

Each party will have a total of sixty (60) minutes to present arguments for the four cases, which involve similar issues. Petitioner bears the ultimate burden of persuasion that the claims at issue are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial in all four cases. Patent Owner then will have the opportunity to respond to Petitioner's arguments. Finally, Petitioner may use any time it has reserved for rebuttal to respond to arguments presented by Patent Owner. Patent Owner may not reserve rebuttal time.

The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served on opposing counsel at least five business days before the hearing and filed with the Board no later than three business days before the hearing. 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), regarding the appropriate content of demonstrative

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exhibits. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

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 must file any objections to the demonstratives with the Board at least three business days before the hearing. The objections should identify with particularity which portions of the 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. Any objection to the demonstrative exhibits that is not timely presented will be considered waived.

At least one member of the panel will be attending the hearing remotely, by video and audio link. The parties are reminded that, during the hearing, the presenter must identify clearly each demonstrative exhibit (e.g., by referencing a specific slide or screen number) to ensure clarity and accuracy of the reporter's transcript and to ensure that a remote judge can follow the argument, even if the video connection is disrupted.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment must be made at least five days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not timely received, the equipment may not be available on the day of the hearing.

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The Board expects lead counsel for each party to be present at the oral hearing, although any counsel of record may make the actual presentation. If either party anticipates that its lead counsel will not be in attendance at the oral hearing, the parties should initiate a joint telephone conference with the Board no later than five business days prior to the oral hearing to discuss the matter.

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