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Paper 59
Entered: August 2, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COX COMMUNICATIONS, INC.,
Petitioner,
v.
AT&T INTELLECTUAL PROPERTY I, L.P. and
AT&T INTELLECTUAL PROPERTY II, L.P.,
Patent Owners.[1]

Case IPR2015-01187 (Patent 6,993,353 B2) [2]
Case IPR2015-01227 (Patent 7,907,714 B2)
Case IPR2015-01273 (Patent 6,487,200 B1)
Case IPR2015-01536 (Patent 8,855,147 B2)

Before MICHAEL R. ZECHER, BRIAN P. MURPHY, and SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

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[1] AT&T Intellectual Property I, L.P., is the Patent Owner in Case IPR2015-01227, whereas AT&T Intellectual Property II, L.P. is the Patent Owner in Cases IPR2015-01187, IPR2015-01273, and IPR2015-01536.

[2] This Order addresses similar issues in all the referenced cases, therefore, we issue a single Order to be filed in each case. The parties are not authorized to use this style of caption in any other filings.

DISCUSSION

An *inter partes* review was instituted in each of these proceedings. Paper 9.[3] Petitioner and Patent Owners requested an oral hearing in each of the proceedings pursuant to 37 C.F.R. § 42.70(a). Papers 52, 53. Petitioner requested forty-five (45) minutes for argument in each proceeding, and Patent Owner requested thirty (30) minutes for each proceeding, except for Case IPR2015-01536 where Patent Owners requested forty-five (45) minutes of argument. *See id.*; *see also* Case IPR2015-01536, Paper 57. We have reviewed the issues that the parties intend to address for each proceeding, but because we will be handling all four proceedings together in one consolidated hearing, each party only will be permitted thirty (30) minutes per proceeding to present arguments. The hearing will commence at 9:00 AM Eastern Time, on Tuesday, August 23, 2016. The oral hearing will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. Space in the hearing room is limited, and any attendees beyond three per party (including any attorneys who may be appearing) will be accommodated on a first-come, first-served basis.

The respective *inter partes* reviews will be addressed in order, commencing with Case IPR2015-01187. Cases IPR2015-01187 and IPR2015-01227 will be heard in the morning session, and after a lunch break, Cases IPR2015-01273 and IPR2015-01536 will be heard in the

[3] Citations are to Case IPR2015-01187 as representative, unless otherwise noted or ordered.

afternoon session. For each case, Petitioner will first present its case as to the challenged claims and grounds with respect to which we instituted trial. Thereafter, Patent Owners will argue its opposition to Petitioner's case. Patent Owners may also discuss any Motion to Exclude during its allotted time. Petitioner then may use any time it reserved to rebut Patent Owner's opposition, and to oppose Patent Owners' Motions to Exclude, if presented. Patent Owners may use any time it reserved solely to rebut Petitioner's opposition to Patent Owners' Motions to Exclude and for issues relating to conception and reduction to practice for the purposes of antedating prior art references.

At least seven (7) business days prior to the oral arguments, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during the oral arguments. *See* 37 C.F.R. § 42.70(b). The parties also shall provide the demonstrative exhibits to the Board at least five (5) business days prior to the oral arguments by e-mailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in these cases without our prior authorization.[4] Demonstrative exhibits are not evidence, but merely a visual aid at the oral arguments. Demonstrative exhibits may not introduce new evidence or raise new arguments, but instead 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) and

[4] In accordance with our discretion under 37 C.F.R. § 42.5(b), we modify 37 C.F.R. § 42.70(b) to require that the parties first seek our authorization to file any demonstratives exhibits in these cases.

CBS Interactive Inc. v. Helferich Patent Licensing, LLC, IPR2013-00033, (PTAB Oct. 23, 2013) (Paper 118), for guidance regarding the appropriate content of demonstrative exhibits.

The parties should attempt to resolve any objections to demonstratives prior to involving the Board. Any issue regarding demonstrative exhibits that cannot be resolved should be identified in joint email communications at least two business days prior to the hearing. Any unresolved objections to demonstrative exhibits not timely presented will be considered waived. To aid in the preparation of an accurate transcript, each party shall provide paper copies of its demonstratives to the court reporter on the day of the oral arguments. Such paper copies shall not become part of the record of this proceeding. The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number), paper, or exhibit referenced during the oral arguments to ensure the clarity and accuracy of the reporter's transcript.

We expect lead counsel for each party to be present at oral hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for either party will not be in attendance at the oral hearing, we should be notified via email communications no later than two (2) business days prior to the oral hearing

Lead counsel and back-up counsel may use portable computers in the hearing room at the counsel tables and at the hearing room lectern. The parties are reminded to direct any requests for specialized audio-visual equipment to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication directed to the above

e-mail address not less than five (5) days before the oral arguments. If the request is not received timely, the equipment may not be available on the day of the oral arguments.

ORDER

It is ORDERED that oral arguments for these proceedings shall take place beginning at 9:00 AM Eastern Time, on Tuesday, August 23, 2016 at the Madison Building East, 600 Dulany Street, ninth floor, Alexandria, Virginia.

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IPR2015-01227 (Patent 7,907,714 B2)
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