

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,
Petitioner,

v.

COLLABO INNOVATIONS, INC.,
Patent Owner.

Case IPR2016-00938; Patent 7,944,493 B2

Case IPR2016-00939; Patent 7,944,493 B2

Case IPR2016-00940; Patent 8,030,742 B2

Case IPR2016-00941; Patent 5,952,714

Before DAVID C. McKONE, GREGG I. ANDERSON, and
JENNIFER MEYER CHAGNON, *Administrative Patent Judges*.

McKONE, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

IPR2016-00938 (Pat. 7,944,493 B2); IPR2016-00939 (Pat. 7,944,493 B2)
IPR2016-00940 (Pat. 8,030,742 B2); IPR2016-00941 (Pat. 5,952,714)

The Scheduling Order set July 11, 2017, as the date for oral argument, if requested by the parties and granted by the Board. Paper 8.¹ Both Petitioner and Patent Owner have requested oral argument. Papers 16, 17. Neither party requests a specific allocation of time.

The parties' requests for oral argument are granted. Oral arguments will commence at 1:00 pm Eastern Time on July 11, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. We will hold a combined hearing for IPR2016-00938 and IPR2016-00939 starting at 1:00 pm. Each party is allotted thirty (30) minutes total to present its case. This will be followed by a short break, after which we will hold a hearing for IPR2016-00940. Each party is allotted thirty (30) minutes total to present its case. This will be followed by a second short break, after which we will hold a hearing for IPR2016-00941. Each party is allotted thirty (30) minutes total to present its case.

Petitioner will open each hearing by presenting its arguments regarding the challenged claims for which the Board instituted trial. Petitioner may reserve time for rebuttal arguments. Patent Owner will then respond to Petitioner's arguments. Petitioner may then present rebuttal arguments. Patent Owner may not respond to Petitioner's rebuttal arguments. No other arguments or motions may be presented.

The Board will provide a court reporter for the hearings, and the reporter's transcript will constitute the official records of the hearings. The hearings will be open to the public via in-person attendance on a first-come, first-served basis.

¹ We refer to the papers filed in IPR2016-00938. Similar papers were filed by the parties in IPR2016-00939, IPR2016-00940, and IPR2016-00941.

IPR2016-00938 (Pat. 7,944,493 B2); IPR2016-00939 (Pat. 7,944,493 B2)
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At least seven (7) business days prior to the hearings, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during the hearings. *See* 37 C.F.R. § 42.70(b). The parties should attempt to work out any objections to demonstratives prior to involving the Board. At least two (2) business days prior to the hearing, the parties shall file the demonstrative exhibits with the Board. *See id.* 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), for guidance regarding the appropriate content of demonstrative exhibits. The parties must initiate a conference call with the Board at least two business days before the hearings to present any objection regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived. As demonstrative exhibits are not themselves evidence, the Board asks the parties to confine demonstrative exhibit objections to those identifying egregious violations that are prejudicial to the administration of justice.

The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during each hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that at least one member of the panel will be attending the hearings electronically from a remote location and that if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over the hearing, that demonstrative will not be considered. The parties also should note that a panel member appearing remotely will not be able to hear the parties unless they speak into the microphone at the podium. If the parties have questions

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as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at (571) 272-9797.

The Board expects lead counsel for each party to be present in person at the hearings. If a party anticipates that its lead counsel will not be attending the oral arguments, the parties should initiate a joint telephone conference with the Board no later than two business days prior to the oral hearing to discuss the matter. Any counsel of record, however, may present the party's argument.

The parties are reminded to direct their requests for 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 email address not less than five days before the hearing. If the request is not received timely, the equipment may not be available on the day of the hearing.

ORDER

It is

ORDERED that oral arguments for these proceedings shall take place beginning at 1:00 pm Eastern Time on July 11, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria.

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