

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARROWS UP, LLC,
Petitioner,

v.

OREN TECHNOLOGIES, LLC,
Patent Owner.

Case IPR2018-01230 (Patent 9,248,772 B2)
Case IPR2018-01231 (Patent 9,617,066 B2)¹

Before KEVIN W. CHERRY, MICHAEL L. WOODS, and
PAUL J. KORNICZY, *Administrative Patent Judges*.

KORNICZKY, *Administrative Patent Judge*.

ORDER
Oral Argument
37 C.F.R. § 42.70

¹ We issue one order and enter it in each proceeding. The parties are not authorized to use this style heading.

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Patent Owner requests oral argument for IPR2018-01230 and IPR2018-01231. IPR2018-01230, Paper 24; IPR2018-01231, Paper 25 (collectively “Requests”). The Requests are *granted*.

A consolidated oral argument in both cases will commence at **1:00 PM Eastern Time on October 17, 2019**. The hearing will be conducted on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will be open to the public for in-person attendance, which will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter’s transcript will constitute the official record of the hearing.

Each party will have **45 minutes** of total argument time. At oral hearing, Petitioner will open the hearing by presenting its arguments, including arguments for any of its motions. Thereafter, Patent Owner may argue its opposition to Petitioner’s arguments and any of its motions. Petitioner may reserve time for rebuttal arguments and may present arguments in opposition to Patent Owner’s motion(s), if argued by Patent Owner. Patent Owner may reserve sur-rebuttal time only to reply to Petitioner’s opposition to Patent Owner’s motion(s). Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing. The Board further requests that such exhibits be filed at least three business days before the hearing to facilitate the panel’s preparation. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

The Board reminds the parties that demonstrative exhibits are intended to assist the parties in presenting their oral arguments and are not evidence, and should be clearly marked as such. For example, each slide of a demonstrative exhibit may be marked with the words “DEMONSTRATIVE EXHIBIT—NOT EVIDENCE” in the footer. The Board also reminds the parties that demonstrative exhibits are not a mechanism for making arguments or introducing evidence not previously presented in the record. 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. If, however, the parties are unable to resolve their disagreement, either party may file objections to the demonstratives with the Board at least three business days before the hearing. Any objection to demonstrative exhibits that is not timely presented 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.

At least one member of the panel hearing this case will attend the hearing remotely, by video and audio link. The parties are reminded that, during the hearing, the presenter must identify clearly and specifically each demonstrative exhibit referenced (e.g., by slide or screen number) to ensure

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the clarity and accuracy of the reporter's transcript, and to ensure that the remote judge can follow the argument even if the video connection is disrupted. The parties are requested to speak directly into the microphone, including during initial introduction of counsel.

The Board expects lead counsel for each party to be present in person at the oral hearing. If either party anticipates that its lead counsel will not attend the hearing, the parties should notify the Board no later than two business days prior to the hearing. Any counsel of record may present a party's argument. Either party's argument may be divided, but interruptions for change of counsel should be kept to a minimum.

Questions regarding specific audio-visual equipment should be directed to the Board at 571-272-9797. The parties are allowed to use computers, but requests for audio-visual equipment are to be made no later than five days in advance of the hearing date. The request is to be sent directly to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

Accordingly, it is

ORDERED that oral arguments for the IPR2018-01230 and -01231 proceedings shall take place beginning at **1:00 pm Eastern Time on October 17, 2019**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314.

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