

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

PROXENSE, LLC,  
Patent Owner.

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IPR2025-00562  
Patent 9,049,188 B1

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Before THU A. DANG, KEVIN F. TURNER, and DAVID C. McKONE,  
*Administrative Patent Judges.*

DANG, *Administrative Patent Judge.*

ORDER  
*Cancelling Hearing*  
37 C.F.R. § 42.5

## A. BACKGROUND

A hearing for this proceeding was scheduled for an in-person appearance at the USPTO San Jose, Western Regional Outreach Office, on July 2, 2026. Paper 17. On June 23, 2026, Patent Owner e-mailed the Board to request authorization to file a Motion for Virtual Appearance. On June 25, 2026, Judges Thu Dang, Kevin Turner, and David McKone conducted a conference call with counsel for the parties to discuss Patent Owner's request.

## B. DISCUSSION

During the call, Patent Owner's counsel contended that, due to scheduling conflicts with other matters, it would not be possible for Patent Owner to travel to the USPTO San Jose, Western Regional Outreach Office, at the scheduled time for the hearing. According to Patent Owner's counsel, Patent Owner is willing to rest on its papers of record.

Given that Patent Owner is proposing to rest on its papers of record, the Board asked Petitioner if it still wished to proceed with the hearing. Petitioner's counsel responded that Petitioner was amendable to cancelling the hearing and also resting on its papers, but counsel indicated that it would need to confer with its client.

The Board instructed the parties' counsels to confirm with their respective clients, then confer with each other, and if agreeable to both parties, send a joint email requesting cancelling of the hearing, allowing the parties to rest on their respective papers.

On June 26, 2026, the parties filed a Joint Response via email. In the Response, the parties indicate that they are willing to rest on their respective papers of record.

Furthermore, in the Joint Response, Petitioner adds that its agreement to cancel the hearing is “subject to the condition that the Board has no questions that it would like to ask Petitioner.” With the Joint Response, Petitioner also submits demonstratives that it “would have presented at the hearing.”

The parties represent that they have met and conferred, and both parties are in agreement to cancel the hearing, provided Petitioner’s condition is met.

As the Board has no further questions for either party, we deem all conditions are met, and thus, the request to cancel the hearing is *granted*. As to Petitioner’s submitted demonstratives, as set forth in the Hearing Order, “Demonstratives also are not evidence, and will not be relied upon as evidence.” *See* Paper 17, 3.

### C. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the hearing scheduled for July 2, 2026, is cancelled.

FURTHER ORDERED that the parties shall rest on their respective papers of the current record.

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