

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BANK OF AMERICA, N.A., PNC FINANCIAL SERVICES GROUP,
INC., and PNC BANK, N.A.,

Petitioners,

v.

INTELLECTUAL VENTURES I LLC,

Patent Owner.

Case CBM2014-00028 (U.S. Patent No. 8,083,137)
Case CBM2014-00029 (U.S. Patent No. 7,664,701)
Case CBM2014-00030 (U.S. Patent No. 7,603,382)

BANK OF AMERICA, N.A.,

Petitioner,

v.

INTELLECTUAL VENTURES II LLC,

Patent Owner.

Case CBM2014-00033 (U.S. Patent No. 7,260,587)¹

THOMAS L. GIANNETTI, *Administrative Patent Judge.*

¹ The parties are not authorized to use this form of caption.

Case CBM2014-00028 (U.S. Patent No. 8,083,137)
Case CBM2014-00029 (U.S. Patent No. 7,664,701)
Case CBM2014-00030 (U.S. Patent No. 7,603,382)
Case CBM2014-00033 (U.S. Patent No. 7,260,587)

ORDER
Request for Oral Hearing
37 C.F.R. § 42.70

The Scheduling Order for these cases sets the date for oral hearing as February 17, 2015, if a hearing is requested by the parties and granted by the Board. All parties have requested oral hearing pursuant to 37 C.F.R. § 42.70. The parties' request for oral hearing is *granted*.

Petitioners² together will have 60 minutes to present arguments. Patent Owners³ together will have 60 minutes to respond. Petitioners bear the ultimate burden of proof that Patent Owners' claims at issue in this review are unpatentable. Therefore, Petitioners will open the hearing by presenting their case regarding the challenged claims for which the Board instituted trial. After Petitioners' presentation, Patent Owners will respond to Petitioners' argument. Petitioners may reserve rebuttal time to respond to arguments presented by the Patent Owners.

The hearing will commence at 11:00 AM on February 17, 2015, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The

² The Petitioners in Cases CBM2014-00028, 00029, and 00030 are Bank of America, N.A., PNC Financial Services Group, Inc., and PNC Bank, N.A. The Petitioner in Case CBM2014-00033 is Bank of America, N.A.

³ The Patent Owner in Cases CBM2014-00028, 00029, and 00030 is Intellectual Ventures I LLC. The Patent Owner in Case CBM2014-00033 is Intellectual Ventures II LLC.

Case CBM2014-00028 (U.S. Patent No. 8,083,137)
Case CBM2014-00029 (U.S. Patent No. 7,664,701)
Case CBM2014-00030 (U.S. Patent No. 7,603,382)
Case CBM2014-00033 (U.S. Patent No. 7,260,587)

hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed.

Furthermore, under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing date. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least five business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall *not* file any demonstrative exhibits in this proceeding without prior authorization from the Board.

The parties must file any objections to the demonstratives with the Board at least two 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. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB January 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

Case CBM2014-00028 (U.S. Patent No. 8,083,137)
Case CBM2014-00029 (U.S. Patent No. 7,664,701)
Case CBM2014-00030 (U.S. Patent No. 7,603,382)
Case CBM2014-00033 (U.S. Patent No. 7,260,587)

The Board expects lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's argument. The parties may divide argument among counsel as they wish. Should there be any disagreement among the parties on the division of argument, the parties shall meet and confer in advance of the hearing to try to resolve the dispute and, if necessary, contact the Board for assistance.

If any party expects that its lead counsel will not be attending the oral argument, 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 special requests for audiovisual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication not less than five days before the hearing directed to the above email address.

Case CBM2014-00028 (U.S. Patent No. 8,083,137)
Case CBM2014-00029 (U.S. Patent No. 7,664,701)
Case CBM2014-00030 (U.S. Patent No. 7,603,382)
Case CBM2014-00033 (U.S. Patent No. 7,260,587)

PETITIONERS:

Donald R. Steinberg
Monica Grewal
WILMER CUTLER PICKERING
don.steinberg@wilmerhale.com
monica.grewal@wilmerhale.com

PATENT OWNERS:

Henry A. Petri, Jr.
James P. Murphy
NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP
henry.petri@novakdruce.com
james.murphy@novakdruce.com

Brenton R. Babcock
Ted M. Cannon
Bridget Smith
KNOBBE, MARTENS, OLSON & BEAR, LLP
2brb@knobbe.com
2tmc@knobbe.com
2BZS@knobbe.com

Don Coulman
dcoulman@intven.com