

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON, INC.,
Petitioner,

v.

INTELLECTUAL VENTURE I LLC,
Patent Owner.

IPR2014-00535 (Patent 7,315,406 B2)
IPR2014-00757 (Patent 8,300,285 B2)¹

Before THOMAS. L. GIANNETTI, JAMES A. TARTAL, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

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

The date for oral hearing in each of these proceedings is set for June 24, 2015, if hearing is requested by the parties and granted by the Board. Paper 25 (IPR2014-00535), Paper 9 (IPR2014-00757). Both parties

¹ The parties are not authorized to use this style heading in subsequent papers.

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have requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 26, 29 (IPR2014-00535), Papers 24, 25 (IPR2014-00757). Petitioner's and Patent Owner's requests for oral hearing are *granted*.

Each side will have 60 minutes, total, to present argument as to both cases. Any representation made by counsel at the consolidated oral hearing is applicable to and useable in all proceedings which have underlying basis for the representation. The Board will provide a court reporter for the consolidated hearing and the reporter's transcript will constitute the official record of the hearing for all three proceedings.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in these reviews are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Petitioner may allocate its time as it wishes among the two patents involved. After Petitioner's presentation, Patent Owner will respond to Petitioner's argument. Petitioner may reserve time to respond to arguments presented by Patent Owner.

The hearing will commence at 2 PM on June 24, 2015, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. At least one member of the panel will be attending the oral argument remotely by use of two-way audio-visual communication equipment. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. If the parties have any concern about disclosing confidential information, they are requested to

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contact the Board at least 10 days in advance of the hearing to discuss the matter.

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 demonstrative exhibits 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 demonstrative exhibits 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

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January 27, 2015) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

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. If either 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 audio-visual 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.

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