

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2014-00631¹
Patent 7,817,914 B2

Before RICHARD E. RICE, JAMES B. ARPIN, and PETER P. CHEN,
Administrative Patent Judges.

ARPIN, *Administrative Patent Judge.*

ORDER
Granting Requests for Oral Hearing
37 C.F.R. § 42.70

In the Scheduling Order for this case, we set the date for the oral hearing as May 14, 2015. IPR2014-00631, Paper 10. Both parties have requested an oral

¹ Case IPR2014-00632 has been consolidated with the instant proceeding.

hearing pursuant to 37 C.F.R. § 42.70. IPR2014-00631, Papers 40 and 44. The requests for an oral hearing are *granted*.

The oral hearing will commence at 1:00 PM, ET, on May 14, 2015, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The hearing will be open to the public for in-person attendance that 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 a total of forty-five (45) minutes to present any arguments relating to this case.

Petitioner bears the ultimate burden of proof that the claims under review in this case are unpatentable. Consequently, Petitioner will open the hearing by presenting its case regarding the challenged claims under review; Patent Owner will follow. Because Patent Owner has filed a Motion to Exclude Evidence (Paper 41), Patent Owner may discuss its Motion to Exclude Evidence during its allotted time. Petitioner may reserve rebuttal time to respond to Patent Owner's arguments regarding the challenged claims and to Patent Owner's arguments regarding its Motion to Exclude Evidence. If Patent Owner does not present arguments during its allotted time regarding its Motion to Exclude Evidence, Petitioner may not present oral arguments during its rebuttal time regarding Patent Owner's Motion to Exclude Evidence. Patent Owner may reserve rebuttal time *only* to respond to Petitioner's rebuttal arguments concerning the Motion to Exclude Evidence.

Under 37 C.F.R. § 42.70(b), the parties shall serve any demonstrative exhibits upon each other at least five (5) business days prior to the hearing. The parties also shall provide the demonstrative exhibits to the Board at least five (5) business days prior to the hearing **by emailing them to Trials@uspto.gov**.

The parties shall not file any demonstrative exhibits in this case without our prior authorization. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041, slip op. 2–5 (PTAB Jan. 27, 2014) (Paper 65), and *CBS Interactive Inc., v. Helferich Patent Licensing, LLC*, Case IPR2013-00033, slip op. at 2–4 (PTAB Oct. 23, 2013) (Paper 118), for guidance regarding the appropriate content of demonstrative exhibits.

We expect lead counsel for each party to be present in person at the oral hearing. However, any counsel of record may present the party's arguments. If either party anticipates that its lead counsel will not attend the oral hearing, the parties shall request and make themselves available for a conference call with us to occur no later than two business days prior to the oral hearings to discuss the reasons for that lead counsel's absence. Any requests regarding special equipment or needs, such as 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 directed to the identified email address not less than five (5) days before the hearings.

Judge Arpin (Denver) and Judge Chen (Palo Alto) shall participate in the hearing remotely. If a demonstrative is not made available in the manner indicated above, that demonstrative may not be available to each of the judges during the hearing and may not be considered. Further, the parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript and the ability of all judges to follow the presenter's arguments.

IPR2014-00631
Patent 7,817,914 B2

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