

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KAPSCH TRAFFICCOM IVHS INC. and
KAPSCH TRAFFICCOM HOLDING CORP.,
Petitioner,

v.

NEOLOGY, INC.,
Patent Owner.

Case IPR2015-00814 (Patent 6,690,264 B2)
Case IPR2015-00818 (Patent 8,237,568 B2)
Case IPR2015-00819 (Patent 8,325,044 B2)¹

Before JUSTIN T. ARBES, GLENN J. PERRY, and
TREVOR M. JEFFERSON, *Administrative Patent Judges*.

PERRY, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding – Oral Argument
37 C.F.R. § 42.5, 42.70

The parties requested oral argument in each of these proceedings pursuant to 37 C.F.R. § 42.70. Papers 35, 36. The requests are granted.

¹ The Board exercises its discretion to issue this single Order applicable to three related cases that will be argued in the same session. The parties are required to file separately documents in the respective cases. For convenience, we refer to paper numbers filed in IPR2015-00814 only.

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Date and Time

Oral argument for these proceedings will be conducted on May 10, 2016. Each party will have 60 minutes of argument time for IPR2015-00814, and 60 minutes of total argument time for IPR2015-00818 and IPR2015-00819, which will be argued together. Petitioner bears the ultimate burden of proof that the claims at issue are unpatentable. Therefore, Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial. Thereafter, Patent Owner will respond to Petitioner's case. After that, Petitioner may make use of the rest of its time responding to Patent Owner. The hearing for IPR2015-00814 will begin at 9:00 AM Eastern Time, and the hearing for IPR2015-00818 and IPR2015-00819 will begin at 1:00 PM Eastern Time.

Open to Public

There is a strong public policy interest in making all information presented in these proceedings public, as these reviews determine the patentability of claims in issued patents and thus affect the rights of the public. This policy is reflected in part, for example, in 35 U.S.C. § 316(a)(1) and 35 U.S.C. § 326(a)(1), which provide that the file of any *inter partes* review or post grant review be made available to the public, except that any petition or document filed with the intent that it be sealed shall, if accompanied by a motion to seal, be treated as sealed pending the outcome of the ruling on the motion. Accordingly, we exercise our discretion to make the oral hearing publicly available via in-person attendance.

Oral argument will commence at 9:00 AM Eastern Time, on May 10, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, and it will be open to the public for in-person

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attendance. In person attendance will be accommodated on a first come first serve basis.

Reporter

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Demonstratives

Demonstratives are aids in support of oral argument and are not evidence in the reviews. If demonstratives are to be used during oral argument, they must be served five business days before the hearing in accordance with 37 C.F.R. § 42.70(b). Copies should also be sent by email (not filed as record documents via PRPS) to the Board at least two business days before the hearing. Prints of the demonstratives should be provided to the panel and to the court reporter at oral argument. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (Oct. 23, 2013), regarding the appropriate content of demonstratives. 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.

Any issue regarding demonstrative exhibits should be resolved at least two business days prior to the hearing by way of a joint telephone conference call to the Board. The parties are responsible for requesting such a conference sufficiently in advance of the hearing to accommodate this requirement. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

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Audio Visual Equipment

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made 5 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.

Panel Presence

At present, all panel members are scheduled to attend argument in person. In the event that a member of the panel attends the hearing electronically from a remote location, and that if a demonstrative is not filed or otherwise made fully available or visible to the judge attending remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at 571-272-9797.

Counsel Presence

The Board expects lead counsel for each party to be present in person at the oral hearing. However, lead or backup counsel may present the party's argument. If either party anticipates that its lead counsel will not be attending the oral hearing, 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.

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