

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WANGS ALLIANCE CORPORATION D/B/A WAC LIGHTING CO.,
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2015-01287 (Patent 6,013,988)
Case IPR2015-01290 (Patent 6,250,774 B1)
Case IPR2015-01291 (Patent 6,561,690 B2)
Case IPR2015-01292 (Patent 6,586,890 B2)
Case IPR2015-01293 (Patent 7,352,138 B2)
Case IPR2015-01294 (Patent 7,038,399 B2)

Before GLENN J. PERRY, TREVOR M. JEFFERSON, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

ORDER
SETTING ORAL ARGUMENT
37 C.F.R. § 42.70, § 42.5

IPR2015-01287 (Patent 6,013,988)
IPR2015-01290 (Patent 6,250,774 B1)
IPR2015-01291 (Patent 6,561,690 B2)
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IPR2015-01293 (Patent 7,352,138 B2)
IPR2015-01294 (Patent 7,038,399 B2)

The parties have requested an oral hearing in each of these proceedings pursuant to 37 C.F.R. § 42.70. *See* Papers 40, 41.¹ We grant the parties' requests.

These proceedings will be heard on August 23, 2016. Specifically, the hearing will commence at 10 AM Eastern Time, on the aforementioned date, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, and it will be open to the public for in-person attendance. In-person attendance will be accommodated on a first-come-first-serve basis.

Each party will have equal argument time according to the following schedule:

- a) For IPR2015-01287 each party will be allotted 40 minutes;
- b) For IPR2015-01290 each party will be allotted 30 minutes, after which there will be a lunch break;
- c) For IPR2015-01291 each party will be allotted 20 minutes;
- d) For IPR2015-01292 each party will be allotted 25 minutes; and
- e) For IPR2015-01293 and 1294 each party will be allotted a combined total of 40 minutes.

Petitioner bears the ultimate burden of proof that the claims at issue in this review are unpatentable. Therefore, for each of the captioned proceedings Petitioner will proceed first to present its case with regard to the challenged claims on which we instituted trial. Thereafter, Patent Owner will respond to Petitioner's

¹ Reference is made hereinafter to the filings in IPR2015-01287, as the filings are substantively identical in the captioned proceedings.

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case. After that, Petitioner may use any remaining time responding to Patent Owner. Patent Owner may reserve rebuttal time only for IPR2015-01287. No other rebuttal time will be allotted to Patent Owner.

There is a strong public policy interest in making all information presented in these proceedings public, as the review determines the patentability of claims in an issued patent and thus affects 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 publically available via in-person attendance.

The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least *seven business days* before the hearing and filed *two business days* before the hearing. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits.

Any issue regarding demonstrative exhibits should be resolved at least *five 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

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objection to demonstrative exhibits that is not timely presented will be considered waived. A hard copy of the demonstratives should be provided to the court reporter at the hearing. Further, the parties are reminded that demonstratives are not evidence and do not constitute substantive papers. Accordingly, the panel may resolve pending objections to the demonstratives by expunging the filed demonstratives and ruling on the pending objections during oral argument or thereafter.

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.** 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.

The parties also should note that at least one member of the panel will be attending 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 presiding over the hearing 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. Documents presented on the Elmo projector may not be visible to remote judges, so please plan accordingly.

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The Board expects lead counsel for each party (including each of the joined Petitioners) to be present in person at the oral hearing. However, lead or backup counsel of the presenting party may put forward 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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