

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TV MANAGEMENT, INC., D/B/A GPS NORTH AMERICA,
Petitioner,

v.

PERDIEMCO LLC,
Patent Owner.

Cases¹

IPR2016-01061 (Patent 8,223,012)

IPR2016-01064 (Patent 9,003,499)

IPR2016-01278 (Patent 9,071,931)

Before WILLIAM V. SAINDON, CARL M. DEFRANCO, and
AMBER L. HAGY, *Administrative Patent Judges*.

HAGY, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This Order addresses issues that are substantially similar in the cases. We exercise our discretion to issue one order to be filed in each case.

IPR2016-01061 (Patent 8,223,012)
IPR2016-01064 (Patent 9,003,499)
IPR2016-01278 (Patent 9,071,931)

The parties have each requested an oral hearing in three related proceedings pursuant to 37 C.F.R. § 42.70. IPR2016-01061, Paper 44, 45; IPR2016-01064, Paper 43, 44; and IPR2016-01278, Paper 44, 45. The requests for an oral hearing are *granted*. An oral hearing covering all three proceedings will commence at 9:30 AM Eastern Time on September 12, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each side will have a total of seventy-five minutes to present arguments. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Petitioner will, therefore, begin by presenting its case regarding the challenged claims and grounds for which the Board instituted trial in the proceedings. Patent Owner will then respond to Petitioner's arguments. Petitioner may reserve time to reply to arguments presented by Patent Owner.

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, and the transcript shall constitute the official record of the hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least five business days before the hearing. The panel also requests that demonstrative exhibits be filed with the Board at least three business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), regarding the appropriate content of demonstrative exhibits. The Board expects that the parties will

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meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved the parties must file any objections to demonstratives with the Board at least three business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

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 five days in advance of the hearing date. The request is to be sent to Trials@uspto.gov, and any requests not sent specifically to that email address will not be considered. If the request is not received timely, the equipment may not be available on the day of the hearing.

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