

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXON ENTERPRISE, INC.,
Petitioner,

v.

DIGITAL ALLY, INC.,
Patent Owner.

IPR2017-00375
Patent 8,781,292 B1

Before PHILLIP J. KAUFFMAN, MINN CHUNG, and
ROBERT L. KINDER, *Administrative Patent Judges*.

KAUFFMAN, *Administrative Patent Judge*.

Conduct of the Proceeding
37 C.F.R. § 42.5

The parties have requested oral argument, and the hearing will commence at 1 PM ET on Wednesday, January 31, 2018, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. *See* Papers 10 (Scheduling Order), 28 (Rescheduling Due Date 7), 32 (Patent Owner's Request) 33 (Petitioner's Request).

The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Each party will have 60 minutes of argument time. The argument will proceed as follows. First, Petitioner will present on instituted grounds of unpatentability. Second, Patent Owner will present on instituted grounds of unpatentability and the Motion to Amend. Third, Petitioner may utilize any remaining time to present rebuttal on instituted grounds of unpatentability and the Motion to Amend. Fourth, Patent Owner may utilize any remaining time for rebuttal on the Motion to Amend.

The parties are reminded that the demonstrative exhibits must be served and filed in accordance with 37 C.F.R. § 42.70(b).

The Board asks that the parties attempt to resolve objections to the demonstratives, and if any objections cannot be resolved, the parties must file those objections with the Board no later than January 24, 2018. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The objections should identify with particularity which demonstratives are subject to objection, and include a short statement of the reason for each objection. 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 January 27, 2014) (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 January 24, 2018, 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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