

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AGILYSYS, INC., ET AL.,
Petitioner,

v.

AMERANTH, INC.,
Patent Owner.

Case CBM2014-00016
Patents 6,871,325 B1

Before JAMESON LEE, MEREDITH C. PETRAVICK, and
NEIL T. POWELL, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

According to the Scheduling Order dated March 26, 2014, oral argument will be held on October 24, 2014, if requested. Paper 20. On September 19, 2014, Patent Owner filed a request for oral argument. Paper 28.

The request is *granted*.

This proceeding has two related proceedings, i.e., CBM2014-00013 and CBM2014-00015, both of which also have been scheduled for oral argument on October 24, 2014. A consolidated oral argument for this proceeding and CBM2014-00013 and CBM2014-00015 will be held. *Each party will have 60 minutes of oral argument time for all three proceedings.* The consolidated oral argument will commence at 1:30 PM Eastern Time, on Friday, October 24, 2014.

Any representation made by counsel at the consolidated oral argument is applicable to and useable in all proceedings which have proper underlying basis for the representation. The Board will provide a court reporter for the oral argument and the reporter's transcript will constitute the official record of the oral argument. The hearing transcript will be entered in the record of all three proceedings, i.e. in CBM2014-00013, CBM2014-00015, and CBM2014-00016.

Petitioner bears the burden of proof that Patent Owner's patent claims at issue are unpatentable. Patent Owner bears the burden of proof to establish that it is entitled to the relief requested in its motion to amend claims, if any. Therefore, at oral argument, Petitioner will proceed first to present its case with respect to the challenged patent claims and grounds with respect to which the Board instituted trial. Patent Owner will then respond to Petitioner's argument and also argue in support of its motion to amend claims, if there is a motion to amend claims.

Each party may reserve time to respond to arguments presented by the other party with some limitations. To the extent that Petitioner reserves time, it may respond to Patent Owner's presentation on all matters. To the extent that Patent

Owner reserves time, it may respond only to Petitioner's arguments opposing its motion to amend claims, if any.

The hearing will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. In-person attendance will be accommodated on a first-come, first-serve basis. The Board expects lead counsel for each party to be present at oral hearing, although any backup counsel may make the actual presentation, in whole or in part. If lead counsel for any party will not be in attendance at oral hearing, the Board should be notified via a joint telephone conference call no later than two business days prior to the oral hearing to discuss the matter.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days before the hearing. They shall be filed with the Board three business days prior to the hearing and the parties must initiate a conference call with the Board at least two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. For guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to Paper 118 in *CBS Interactive Inc. v. Wireless Sciences LLC*, IPR2013-00033 (PTAB October 23, 2013). No live testimony from any witness will be taken at the oral argument.

Requests for audio-visual equipment are to be made 5 days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is not received timely, the equipment may not be available on the day of the hearing.

CBM2014-00016
Patent 6,871,325 B1

For PETITIONER:

Richard Zembek
Gilbert Greene
richard.zembeck@nortonrosefulbright.com
bert.greene@nortonrosefulbright.com

For Patent Owner:

John Osborne
Michael Fabiano
josborne@osborneipl.com
mdfabiano@fabianolawfirm.com