

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LKQ CORPORATION  
Petitioner

v.

CLEARLAMP, LLC  
Patent Owner

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Case IPR2013-00020  
Patent 7,297,364

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Before SALLY C. MEDLEY, KEVIN F. TURNER and JOSIAH C. COCKS, and  
*Administrative Patent Judges.*

COCKS, *Administrative Patent Judge.*

ORDER  
Trial Hearing  
37 C.F.R. § 42.70

### Introduction

Petitioner and Patent Owner request a hearing pursuant to 37 C.F.R. § 42.70. Papers 57 and 60. The requests are *granted*. The hearing will commence at 1:00 PM Eastern Time on January 2, 2014 on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

### Conference Call

A conference call was held on December 11, 2013 with counsel for the respective parties and Administrative Patent Judges Medley, Turner and Cocks to discuss the above-noted hearing. The Judges informed the parties that the hearing will be open to the public for in-person attendance.<sup>1</sup> Although there are two pending motions to seal (Papers 34 and 41) pertaining to various exhibits and the Patent Owner's Response, neither party objected to the status of the hearing as open to the public.

### Hearing Procedure

Each party will have sixty (60) minutes of total time to present arguments. Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. Therefore, Petitioner will proceed first to present its case with respect to the challenged claims and grounds for which the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's presentation and also will present its own case with respect to its motion to amend claims. Petitioner may reserve rebuttal time to respond to Patent Owner's presentation on all matters. Patent Owner may also reserve rebuttal time but may only address issues with respect to its motion to amend claims.

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<sup>1</sup> In-person attendance at the hearing will be accommodated on a first-come-first-served basis.

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 five business days prior to the hearing. They shall be filed at the Board two business days prior to the hearing, and the parties must initiate a conference call with the Board by two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are directed to IPR2013-00033, Paper 118 (October 23, 2013) regarding the appropriate content of demonstrative exhibits.

The Board expects lead counsel for each party to be present at hearing, although any backup counsel may make the actual presentation, in whole or in part. If any lead counsel will not be in attendance at hearing, the Board should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

IPR2013-00020  
Patent 7,297,364

For PETITIONER:

Alan L. Barry  
Jason A. Engel  
Benjamin E. Weed  
Viren S. Soni  
K&L GATES LLP  
[alan.barry@klgates.com](mailto:alan.barry@klgates.com)  
[jason.engel@klgates.com](mailto:jason.engel@klgates.com)  
[benjamin.weed@klgates.com](mailto:benjamin.weed@klgates.com)  
[viren.soni@klgates.com](mailto:viren.soni@klgates.com)

For PATENT OWNER

Matthew L. Cutler  
Bryan K. Wheelock  
Douglas A. Robinson  
HARNESS, DICKEY & PIERCE, PLC  
[mcutler@hdp.com](mailto:mcutler@hdp.com)  
[bwheelock@hdp.com](mailto:bwheelock@hdp.com)  
[drobinson@hdp.com](mailto:drobinson@hdp.com)