

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION,
Petitioner,

v.

AMERICAN VEHICULAR SCIENCES LLC,
Patent Owner.

Case IPR2013-00419
Patent 6,772,057

Before JAMESON LEE, TREVOR M. JEFFERSON, and
LYNNE E. PETTIGREW, *Administrative Patent Judges*.

LEE, Administrative Patent Judge.

ORDER
Trial Hearing
37 C.F.R. § 42.70

On July 10, 2014, the parties filed a joint request for oral argument. Paper 46. The parties requested a “concurrent” oral argument for this case and IPR2013-00424 be held on the day IPR2013-00424 has been scheduled for oral argument, i.e., Friday, August 15, 2014, rather than separate oral arguments for these two proceedings on Friday, August 15, 2014, and Monday, August 18, 2014. In a telephone conference held on July 14, 2014, between respective counsel for the parties and Judges Lee and Jefferson, the parties explained that although they prefer the oral argument date to be August 15, 2014, they also can attend a consolidated oral argument on August 18, 2014. The parties also noted that the involved patent in IPR2013-00424 is an ancestral patent with respect to the involved patent in this proceeding.

The request is *granted-in-part*.

A consolidated oral argument for IPR2013-00419 and IPR2013-00424 will be held, not on August 15, 2014, but on August 18, 2014. Each party will have 90 minutes of oral argument time for both proceedings. The oral argument will commence at 1:00 PM Eastern Time, on Monday, August 18, 2014.

Any representation made by counsel at the consolidated hearing is applicable to and useable in all proceedings which have underlying basis for the representation. 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 transcript will be entered in the record of both IPR2013-00419 and IPR2013-00424.

Petitioner bears the ultimate burden of proof that Patent Owner’s patent claims at issue are unpatentable. Therefore, at oral argument, Petitioner will proceed first to present its case with respect to the challenged patent claims and grounds in both proceedings with respect to which the Board instituted trial.

Petitioner may reserve some of its argument time, for further presentation after the Patent Owner has responded to Petitioner's presentation.

Patent Owner will respond to Petitioner's presentation, having available to it the entirety of its allotted argument time. Thereafter, Petitioner may make use of the time it has reserved, to rebut Patent Owner's presentation.

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.

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.

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 either 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.

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.

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