

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION,
Petitioner,

v.

TPK TOUCH SOLUTIONS,
Patent Owner.

Case IPR2013-00567¹
Case IPR2013-00568²
Patent 8,217,902 B2

Before TONI R. SCHEINER, JOSIAH C. COCKS, and
RICHARD E. RICE, *Administrative Patent Judges*.

COCKS, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ IPR2014-00541 has been joined with IPR2013-00567. *See* IPR2013-00567, Paper 23.

² This Order addresses matters pertaining to all identified proceedings. Therefore, we exercise our discretion to issue one Order to be filed in each of IPR2013-00567 and IPR2013-00568. The parties are not authorized to use this style heading for any subsequent papers.

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The date for oral hearing in these proceedings has been set to December 12, 2014 (IPR2013-00567, Paper 21; IPR2013-00568, Paper 23). Both parties have requested an oral hearing pursuant to 37 C.F.R. § 42.70. IPR2013-00567, Papers 46, 47; IPR2013-00568, Papers 47, 48. The requests are *granted*.

Oral hearing will commence at 10:00 AM ET on December 12, 2014. The hearing will be conducted on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will be open to the public for in-person attendance, which 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.

Each party will have 60 minutes of total argument time in connection with all identified proceedings. Petitioner bears the ultimate burden of proof that the claims at issue in these proceedings are unpatentable. Therefore, at oral hearing Petitioner will proceed first to present its case with regard to the challenged claims on which basis we instituted trial. Petitioner may reserve rebuttal time. Thereafter, Patent Owner will argue its opposition to Petitioner's case.

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 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.** The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number)

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referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days prior to the hearing. The parties are further directed to file demonstrative exhibits two business days prior to the hearing, and request a conference call with the Board no later than two business days prior to the hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. The parties are responsible for requesting such a conference sufficiently in advance of the hearing to accommodate this requirement. Any objection to demonstrative exhibits that is not presented timely will be considered waived. The parties may refer to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB October 23, 2013) (Paper 118), and *St. Jude Medical, Cardiology Div., Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65) 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, lead or backup counsel may present the party's argument. If either party anticipates 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 two business days prior to the oral hearing to discuss the matter.

It is

ORDERED that oral argument will commence at 10:00 AM ET, on December 12, 2014.

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