

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EIZO CORPORATION,
Petitioner,

v.

BARCO N.V.,
Patent Owner.

Case IPR2014-00358
Patent RE43,707 E

Before KALYAN K. DESHPANDE, JAMES B. ARPIN, and
DAVID C. McKONE, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

In the Scheduling Order dated July 23, 2014 (Paper 12), oral argument was scheduled to be held on April 1, 2015, if requested by the parties. Patent Owner has requested oral argument. Paper 18. The request is *granted*.

Each party will have 30 minutes of oral argument time. The oral argument will commence at 1:00 PM Eastern Time, on Wednesday, April 1, 2015. 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 this proceeding.

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 with respect to which the Board instituted trial. Petitioner may reserve some of its argument time for use in further presentation after Patent Owner has responded to Petitioner's initial presentation.

Patent Owner will respond to Petitioner's initial 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 oral argument 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-served basis.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served five business days before the hearing. The parties also shall provide the

demonstrative exhibits to the Board at least 5 business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this case without prior authorization from the Board. The parties may request a conference call with the Board not less than two business days prior to the hearing to resolve any dispute over the propriety of either party's demonstrative exhibits. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, slip op. 2–5 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. No live testimony from any witness will be taken at the oral argument.

The parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter's transcript. The parties also should note that, because members of the panel will be attending the hearing electronically from remote locations, if a demonstrative is not made available, as indicated above, or made visible to both judges attending the hearing remotely, that demonstrative will not be considered. If the parties have questions as to whether demonstrative exhibits would be sufficiently visible and available to all of the judges, the parties are invited to contact the Board at 571-272-9797. 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. 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

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hearing.

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For PETITIONER:

Marc K. Weinstein
QUINN EMANUEL URQUHART & SULLIVAN LLP
marcweinstein@quinnemanual.com

For PATENT OWNER:

Kerry T. Hartman
HARTMAN PATENTS PLLC
khartman@hartmanpatents.com

Jeffrey C. Morgan
BARNES & THORNBURG LLP
jeff.morgan@BTlaw.com