

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MASTERCARD INTERNATIONAL INCORPORATED,
Petitioner,

v.

JOHN D'AGOSTINO,
Patent Owner.

Case IPR2014-00543 (Patent 8,036,988)
Case IPR2014-00544 (Patent 7,840,486)

Before SALLY C. MEDLEY, KARL D. EASTHOM, and
KALYAN K. DESHPANDE, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

Case IPR2014-00543 (Patent 8,036,988)

Case IPR2014-00544 (Patent 7,840,486)

In the Scheduling Order dated September 4, 2014 (Paper 9), oral argument was scheduled to be held on May 12, 2015, if requested by the parties. Patent Owner and Petitioner have requested oral argument. Papers 19, 21. The request is *granted*.

Each party will have 60 minutes of oral argument time for both IPR2014-00543 and IPR2014-00544, together or separately, as desired. The oral argument will commence at 1:00 PM Eastern Time, on Tuesday, May 12, 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.

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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. Any dispute over the propriety of demonstrative exhibits that is not timely presented two business days prior to the hearing will be considered waived. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (October 23, 2013), regarding the appropriate content of demonstrative exhibits.

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. 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 hearing.

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