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IPR2014-00788 Paper 32
IPR2014-00789 Paper 31
IPR2014-00790 Paper 37
IPR2014-00791 Paper 44
Date Entered: June 19, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EASTMAN KODAK CO., AGFA CORP., ESKO SOFTWARE BVBA, and HEIDELBERG, USA,
Petitioner

v.

CTP INNOVATIONS, LLC,
Patent Owner

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Case IPR2014-00788
Case IPR2014-00789
Patent 6,738,155 B1

Case IPR2014-00790
Cases IPR2014-00791
Patent 6,611,349 B1[1]

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Before HOWARD B. BLANKENSHIP, BENJAMIN D. M. WOOD, and BRIAN J. MCNAMARA, *Administrative Patent Judges*

McNAMARA, *Administrative Patent Judge*.

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

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[1] This Order addresses issues that are identical in related cases. Therefore, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

Upon institution of a trial in each of the subject proceedings, we entered a Scheduling Order setting the date for oral hearing to June 30, 2015, if hearing is requested by the parties and granted by the Board. In each proceeding, both parties requested oral hearing pursuant to 37 C.F.R. § 42.70. The requests are granted.

We will conduct a consolidated hearing to address all matters in the subject proceedings. Each party will have 90 minutes of total argument time. Eastman Kodak Company, Agfa Corporation, Esko Software BVBA, and Heidelberg, USA (collectively, "Petitioner") bears the ultimate burden of proof that the claims at issue in this review 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. Thereafter, CTP Innovations, LLC ("Patent Owner") will argue its opposition to Petitioner's case. Patent Owner will also present its own case with regard to its motions to exclude, as Patent Owner bears the burden of proof on those motions. Petitioner may then use any time Petitioner reserved to rebut to Patent Owner's opposition and to oppose Patent Owner's motions to exclude. Finally, Patent Owner may use any time it reserved solely to rebut Petitioner's opposition to Patent Owner's motions to exclude.

There is a strong public policy interest in making all information presented in these proceedings public, as the review determines the patentability of claims in an issued patent and thus affects the rights of the public. This policy is reflected in part, for example, in 35 U.S.C. § 316(a)(1) and 35 U.S. C. § 326(a)(1) which provide that the file of any *inter partes* review or post grant review be made available to the public, except that any petition or document filed with the intent that it be sealed shall, if accompanied by a motion to seal, be treated as sealed pending the outcome of the ruling on the motion. There are no motions to seal in

the subject proceedings. Accordingly, the Board exercises its discretion to make the oral hearing publically available via in-person attendance.

Specifically, the hearing will commence at 1:00 PM, on June 30, 2015 on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia, and it will be open to the public for in-person attendance. In-person attendance will be accommodated on a first come first serve 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 before the hearing. The parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, Paper 118 (Oct. 23, 2013), regarding the appropriate content of demonstrative exhibits. Any issue regarding demonstrative exhibits should be resolved at least two days prior to the hearing by way of a joint telephone conference call to the Board. 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 timely presented will be considered waived. A courtesy copy of the demonstratives to be used at the hearing should be filed at the Board no later than two days before the hearing. A hard copy of the demonstratives should be provided to the court reporter at the hearing.

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

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.

PETITIONER: (via electronic transmission)

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