

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

DRAGON INTELLECTUAL PROPERTY,
Patent Owner.

Case IPR2014-01252
Patent 5,930,444

Before GREGG I. ANDERSON, STACEY G. WHITE, and J. JOHN LEE,
Administrative Patent Judges.

WHITE, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

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Patent Owner and Petitioner each request an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 53, 54. Upon consideration, the requests for oral hearing are *granted*. Oral argument shall commence at 1:00 PM Eastern Time on October 13, 2015, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia.

Each party will have 45 minutes of total time to present arguments. Petitioner bears the ultimate burden of proof that the patent claims at issue in this review are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner will then respond to Petitioner's arguments. Petitioner may reserve rebuttal time to respond to arguments presented by Patent Owner. Patent Owner may not reserve rebuttal time.

The Board will provide a court reporter, and the transcript shall constitute the official record of the hearing. The Board exercises its discretion to make the oral hearing publically available. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Pursuant to 37 C.F.R. § 42.70(b), demonstrative exhibits shall be served on opposing counsel at least seven business days before the hearing, and filed with the Board no later than one business day before the hearing. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections

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cannot be resolved, the parties may file any objections to demonstratives with the Board at least three business days before the hearing. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection, include a copy of the objected-to portions, and include a one-sentence statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

At least one member of the panel hearing this case will attend the hearing remotely, by video and audio link. The parties are reminded that, during the hearing, the presenter must identify clearly each demonstrative exhibit (e.g., by referencing a specific slide or screen number) to ensure the clarity and accuracy of the reporter's transcript, and to ensure that a remote judge can follow the argument, even if the video connection is disrupted.

The Board expects lead counsel for each party to be present in person at the oral hearing. Any counsel of record, however, may present the party's argument. If either party anticipates that its lead counsel will not attend 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.

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 five days in advance of the hearing date. The

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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.

In light of the foregoing, it is:

ORDERED that the parties' requests for oral hearing are *granted* subject to the conditions set forth in this Order; and

FURTHER ORDERED that the oral hearing, conducted pursuant to the procedures outlined above, shall commence at 1:00 PM Eastern Time on October 13, 2015.

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