

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NISSAN NORTH AMERICA, INC.,
Petitioner,

v.

JOAO CONTROL & MONITORING SYSTEMS, LLC,
Patent Owner.

Case IPR2015-01509
Patent 6,549,130 B1

Before HOWARD B. BLANKENSHIP and STACEY G. WHITE,
Administrative Patent Judges.

BLANKENSHIP, *Administrative Patent Judge.*

ORDER
Trial Hearing
37 C.F.R. § 42.70

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We instituted *inter partes* review in this case on January 6, 2016. A Scheduling Order was entered the same day, which set the date for oral hearing, if requested, as September 9, 2016.

Both Petitioner and Patent Owner have requested oral hearing pursuant to 37 C.F.R. § 42.70. Papers 25, 26. The parties' requests for oral hearing are *granted*. Each party will have 30 minutes total time to present arguments.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. 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 argument. Petitioner may reserve time to respond to arguments presented by Patent Owner.

The hearing will commence at 2:00 p.m. Eastern time, on September 9, 2016, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The Board will provide a court reporter for the hearing and the reporter's transcript will constitute the official record of the hearing. The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing. The parties shall also file their demonstrative exhibits with the Board by sending them via e-mail to trials@uspto.gov at least two business days before the hearing. The parties shall not file the demonstrative exhibits using the PTABE2E System.

When considering whether demonstrative exhibits are objectionable, the parties are reminded that the panel does not consider demonstrative

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exhibits to be evidence or an appropriate vehicle for making arguments that do not appear in the parties' substantive papers. *See St. Jude Med., Cardiology Div., Inc. v. The Bd. of Regents of the Univ. of Mich.*, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65). The panel will disregard any newly raised argument appearing in the demonstrative exhibits when rendering the final written decision. The parties must initiate a conference call with the Board at least two business days before the hearing to present objections, if any, regarding the propriety of any demonstrative exhibit. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

Requests for audio-visual equipment are to be made no later than five 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 Board expects lead counsel for each party to be present in person at the oral hearing. However, either lead or backup counsel may present the party's argument. If any 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.

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