

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

IPR2015-01645 (Patent 7,397,363)
IPR2015-01508 (Patent 6,542,076)
IPR2015-01585 (Patent 5,917,405)¹

Before STACEY G. WHITE, JASON J. CHUNG, and
BETH Z. SHAW, *Administrative Patent Judges*.

SHAW, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This order addresses a similar issue in the three cases. Therefore, we exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style of heading in subsequent papers.

IPR2015-01645 (Patent 7,397,363)

IPR2015-01508 (Patent 6,542,076)

IPR2015-01585 (Patent 5,917,405)

Nissan North America, Inc. (“Petitioner”) requests an oral hearing in this proceeding pursuant to 37 C.F.R. § 42.70. Paper 24.² We grant the request. A hearing will commence at **1:00 PM Eastern Time on Thursday, October 20, 2016**, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, VA.

Oral hearing for this proceeding will be consolidated with the oral hearing for related proceedings. Specifically, the consolidated oral hearing shall include argument related to the following proceedings: IPR2015-01508, IPR2015-01585, and IPR2015-01645. Each party will have 90 minutes of argument time. Each party may determine which of its respective counsel will present its arguments.

Petitioner bears the ultimate burden of persuasion that the claims at issue are unpatentable. Therefore, Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial. Patent Owner then will have the opportunity to respond to Petitioner’s arguments. Petitioner then may use any time it has reserved for rebuttal to respond to arguments presented by Patent Owner.

The Board will provide a court reporter, and the transcript shall 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.

Pursuant to 37 C.F.R. § 42.70(b), the parties must serve demonstrative exhibits, if any, on opposing counsel at least seven (7) business days before the hearing. The parties are directed to *St. Jude Medical, Cardiology*

² References are to paper numbers in IPR2015-01645.

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Division, Inc. v. The Board of Regents of the University of Michigan, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), regarding the appropriate content of demonstrative exhibits. The Board expects the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved, the parties must file any objections to the demonstratives with the Board at least three (3) business days before the hearing. The objections shall identify with particularity which portions of the demonstratives are subject to objection, and include a short (no more than one sentence) statement of the reason for each objection. No argument or further explanation is permitted. The Board will consider the objections and schedule a conference if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to the demonstrative exhibits that is not timely presented will be considered waived.

The parties must file any demonstrative exhibits with the Board no later than three (3) business days before the hearing. The parties shall provide a hard copy of the demonstratives to the court reporter at the hearing.

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 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.

Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment must be made at least five (5) business days in advance of the hearing date. The request is to be sent to Trials@uspto.gov. If the request is

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not timely received, the equipment may not be available on the day of the hearing.

The parties also should note that at least one member of the panel will be attending the hearing electronically from a remote location and that if a demonstrative is not filed or otherwise made fully available or visible to the judge presiding over 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 the oral hearing, although any counsel of record may make the actual presentation. If either party anticipates that its lead counsel will not be in attendance at the oral hearing, at least one back-up counsel who is registered to practice before the USPTO must be in attendance. Furthermore, such party shall notify the Board that lead counsel will not be in attendance, and identify the back-up counsel who is a registered practitioner and will be in attendance.

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