

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K.J. PRETECH CO., LTD,
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,
Patent Owner.

Cases¹

IPR2015-01866 (Patent 8,215,816)
IPR2015-01867 (Patent 7,537,370)
IPR2015-01868 (Patent 7,434,974)

Before THOMAS L. GIANNETTI, MIRIAM L. QUINN and
BEVERLY M. BUNTING, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

ORDER
Oral Hearing
37 C.F.R. § 42.70

¹ This Order addresses issues that are the same in each case. Therefore, we exercise our discretion to issue one paper to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2015-01866 (Patent 8,215,816)
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We instituted the above-identified *inter partes* review. Paper 15. Both parties requested an oral hearing pursuant to 37 C.F.R. § 42.70. Papers 24, 25. The parties' request is *granted*.

The hearing will commence at **1:30 AM Eastern Time**, on **JANUARY 10, 2017**, and will be conducted at the **Midwest Regional USPTO Office, 300 River Place South, Suite 2900, Detroit, Michigan.**² The hearing will be open to the public for in-person attendance that will be accommodated on a first-come, first-serve basis. To expedite entry into the hearing room, each party is asked to send an email message to Trials@uspto.gov five days prior to the hearing, indicating the names of those planning to attend the hearing for its side (attorneys and others).

Each party will have 45 minutes of total time to present its arguments. Because Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable, Petitioner will proceed first to present its case as to the challenged claims and grounds the Board instituted trial. Thereafter, Patent Owner will respond to Petitioner's case. Petitioner may reserve some of its argument time for use in further presentation after Patent Owner has responded to Petitioner's initial presentation. No live testimony from any witness will be taken at the oral argument.

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. If lead counsel for either party will not be in attendance at oral hearing, the Board should be notified via a joint telephone conference

² See <https://www.uspto.gov/about-us/uspto-locations/detroit-michigan> for additional information.

IPR2015-01866 (Patent 8,215,816)

IPR2015-01867 (Patent 7,537,370)

IPR2015-01868 (Patent 7,434,974)

call no later than two business days prior to the oral hearing to discuss the matter.

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.

The parties are reminded that under 37 C.F.R. § 42.53(f)(7), a proponent of deposition testimony must file such testimony as an exhibit. The Board will not consider any deposition testimony that has not been so filed.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served seven business days before the hearing date. The parties also shall provide a courtesy copy of any demonstrative exhibits to the Board at least three business days prior to the hearing by emailing them to Trials@uspto.gov. The parties shall not file any demonstrative exhibits in this proceeding without prior authorization from the Board.

The parties must file any objections to the demonstratives with the Board at least two business days before the hearing. Any objection to demonstrative exhibits that is not timely presented will be considered waived. The objections should identify with particularity which demonstratives are subject to objection, and include a short (one sentence or less) 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 until after the oral argument. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of*

IPR2015-01866 (Patent 8,215,816)

IPR2015-01867 (Patent 7,537,370)

IPR2015-01868 (Patent 7,434,974)

Regents of the University of Michigan, Case IPR2013-00041 (PTAB Jan. 27, 2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits. *See also CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118) (The Board has the discretion to limit the parties' demonstratives to pages in the record should there be no easy resolution to objections over demonstratives.).

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 parties also should note that two panel members will be attending the hearing electronically and will only have access to the courtesy copy of the demonstratives provided in advance, as referenced above.

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.

IPR2015-01866 (Patent 8,215,816)
IPR2015-01867 (Patent 7,537,370)
IPR2015-01868 (Patent 7,434,974)

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