

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

VOLKSWAGEN GROUP OF AMERICA, INC.,  
Petitioner,

v.

WEST VIEW RESEARCH, LLC,  
Patent Owner.

---

Case IPR2015-01941  
Patent 8,065,156 B2

---

Before MICHAEL R. ZECHER, JENNIFER S. BISK, and  
SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

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

## DISCUSSION

An *inter partes* review was instituted in this proceeding as to claims 11, 15, and 22 of U.S. Patent No. 8,065,156 B2. Paper 7. Petitioner and Patent Owner requested an oral hearing pursuant to 37 C.F.R. § 42.70(a). Papers 15, 16. Patent Owner requested no more than one hour of oral argument time and Petitioner did not propose any specific time allocation for oral argument. *See id.* We have reviewed the issues that the parties indicated that they intend to address, and forty-five (45) minutes per party to present arguments should be sufficient. The hearing will commence at 1:00 PM Eastern Time, on Thursday, December 1, 2016. The oral hearing will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. Space in the hearing room is limited, and any attendees beyond three per party (including any attorneys who may be appearing) will be accommodated on a first-come, first-served basis.

Petitioner will first present its case as to the challenged claims and grounds with respect to which we instituted trial. Thereafter, Patent Owner will argue its opposition to Petitioner's case. Petitioner then may use any time it reserved to rebut Patent Owner's opposition.

At least seven (7) business days prior to the oral arguments, each party shall serve on the other party any demonstrative exhibit(s) it intends to use during the oral arguments. *See* 37 C.F.R. § 42.70(b). The parties also shall provide the demonstrative exhibits to the Board at least five (5) business days prior to the oral arguments by e-mailing them to [Trials@uspto.gov](mailto:Trials@uspto.gov). The parties shall not file any demonstrative exhibits in

IPR2015-01941

Patent 8,065,156 B2

these cases without our prior authorization.<sup>1</sup> Demonstrative exhibits are not evidence, but merely a visual aid at the oral arguments. Demonstrative exhibits shall not introduce new evidence or raise new arguments. For further guidance on what constitutes an appropriate demonstrative exhibit, 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) and *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033, (PTAB Oct. 23, 2013) (Paper 118).

The parties should attempt to resolve any objections to demonstratives prior to involving the Board. Any issue regarding demonstrative exhibits that cannot be resolved should be identified in joint email communications at least two (2) business days prior to the hearing. Any unresolved objections to demonstrative exhibits not presented timely will be considered waived. To aid in the preparation of an accurate transcript, each party shall provide paper copies of its demonstratives to the court reporter on the day of the oral arguments. Such paper copies shall not become part of the record of this proceeding. The parties are reminded that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number), paper, or exhibit referenced during the oral arguments to ensure the clarity and accuracy of the reporter's transcript.

We expect 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 the oral

---

<sup>1</sup> In accordance with our discretion under 37 C.F.R. § 42.5(b), we modify 37 C.F.R. § 42.70(b) to require that the parties first seek our authorization to file any demonstrative exhibits in these cases.

IPR2015-01941

Patent 8,065,156 B2

hearing, we should be notified via email communications no later than two (2) business days prior to the oral hearing

Lead counsel and back-up counsel may use portable computers in the hearing room at the counsel tables and at the hearing room lectern. The parties are reminded to direct any requests for specialized audio-visual equipment to [Trials@uspto.gov](mailto:Trials@uspto.gov). Requests for special equipment will not be honored unless presented in a separate communication directed to the above e-mail address not less than five (5) business days before the date of oral argument.

#### ORDER

It is ORDERED that oral arguments for these proceedings shall take place beginning at 1:00 PM Eastern Time, on Thursday, December 1, 2016 at the Madison Building East, 600 Dulany Street, ninth floor, Alexandria, Virginia.

IPR2015-01941  
Patent 8,065,156 B2

For PETITIONER:

Michael J. Lennon  
Clifford A. Ulrich  
KENYON & KENYON LLP  
mlennon@kenyon.com  
culrich@kenyon.com

For PATENT OWNER:

Peter J. Gutierrez, III  
Derek L. Midkiff  
GAZDZINSKI & ASSOCIATES, PC  
peter.gutierrez@gazpat.com  
derek.midkiff@gazpat.com  
docket@gazpat.com