

UNITED STATES PATENT AND TRADEMARK OFFICE

COSTCO WHOLESALE CORP.,
Petitioner,

v.

ROBERT BOSCH LLC,
Patent Owner.

Cases

IPR2016-00034 (Patent 6,973,698 B1)
IPR2016-00036 (Patent 6,944,905 B2)
IPR2016-00038 (Patent 6,292,974 B1)
IPR2016-00039 (Patent 7,228,588 B2)
IPR2016-00040 (Patent 7,484,264 B2)
IPR2016-00041 (Patent 8,099,823 B2)

Before PHILLIP J. KAUFFMAN, WILLIAM V. SAINDON, and
BARRY L. GROSSMAN, *Administrative Patent Judges*.

KAUFFMAN, *Administrative Patent Judge*.

ORDER
Trial Hearing
37 C.F.R. § 42.70

IPR2016-00034 (Patent 6,973,698 B1)
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The parties have requested oral argument, and the hearing will commence at 10:00 AM ET on Wednesday, January 18, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. *See* Papers 17, 47 (Patent Owner's Request), 48 (Petitioner's Request).¹

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.

Each party will have a total of 1 hour and 40 minutes of argument time, to be pooled among all the cases. The cases will be addressed in the following sequence and groupings, with the following time budget:

Proceeding	Appx. time for each side
IPR2016-00039/40/41	Thirty (30) minutes
IPR2016-00038	Thirty (30) minutes
IPR2016-00034	Twenty (20) minutes
IPR2016-00036	Twenty (20) minutes

In the event a party does not use all of its budgeted time, it will be credited to the next proceeding; if a party goes over its budgeted time, it will be debited from the next proceeding. The proceeding will break for lunch at

¹ References are to the Papers of IPR2016-00038, the other proceedings include similar papers.

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an appropriate time for approximately 90 minutes. If the parties wish for a different order or grouping, the parties should confer, propose a different time budget, and contact the Board.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in this review are unpatentable. Therefore, Petitioner will open the hearing by presenting its arguments. Patent Owner then will respond to Petitioner's arguments. Petitioner may reserve time to respond to arguments presented by Patent Owner.

The parties are reminded that the demonstrative exhibits must be served and filed in accordance with 37 C.F.R. § 42.70(b).

The Board asks that the parties attempt to resolve objections to the demonstratives, and if any objections cannot be resolved, the parties must file those objections with the Board no later than January 13, 2017. 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 Regents of the University of Michigan*, IPR2013-00041 (PTAB January 27,

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2014) (Paper 65), for guidance regarding the appropriate content of demonstrative exhibits.

Any special requests for audio visual equipment should be directed to Trials@uspto.gov. Requests for special equipment will not be honored unless presented in a separate communication not less than five days before the hearing directed to the above email address.

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