

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 IPR2016-00123 (Patent 8,719,037 B2)
Case IPR2016-00125 (Patent 8,290,778 B2)
Case IPR2016-00146 (Patent 8,719,038 B1)
Case IPR2016-00156 (Patent 8,296,146 B2)
Case IPR2016-00177 (Patent 8,781,839 B1)¹

Before KARL D. EASTHOM, MICHAEL R. ZECHER, KEVIN W.
CHERRY, and JASON J. CHUNG, *Administrative Patent Judges*.

PER CURIAM.

HEARING ORDER

¹ This Hearing Order applies to all five cases. The parties are not authorized to use this heading style.

IPR2016-00123 (Patent 8,719,037 B2) IPR2016-00125 (Patent 8,290,778 B2)
IPR2016-00146 (Patent 8,719,038 B1) IPR2016-00156 (Patent 8,296,146 B2)
IPR2016-00177 (Patent 8,781,839 B1)

Petitioner requests an oral Hearing pursuant to 37 C.F.R. § 42.70 in each of the cases. *See, e.g.*, Paper 17.² Patent Owner requests an oral Hearing pursuant to 37 C.F.R. § 42.70 in Cases IPR2016-00125 (Paper 18) and IPR2016-00156 (Paper 18). We grant the parties' requests.

Each party will have thirty (30) minutes to present arguments in each of the five cases, for a total of five hours. In Cases IPR2016-00123, IPR2016-00146, and IPR2016-00177, Petitioner will present its case with respect to the challenged claims and grounds for which we instituted trial, Patent Owner then will respond to Petitioner's presentation, and Petitioner then may rebut that response if Petitioner reserves some of its argument time. In Cases IPR2016-00125 and IPR2016-00156, Patent Owner will present its case with respect to its proposed amendments, Petitioner then will respond to Patent Owner's presentation, and Patent Owner then may rebut that response if Patent Owner reserves some of its argument time.

The Hearing will commence at 10:00 AM Eastern Time, on February 7, 2017. The parties will present Cases IPR2016-00146 and IPR2016-00156 beginning at 10:00 AM and ending at noon. The Hearing will resume at 1:00 PM with the remaining three cases, Cases IPR2016-00123, IPR2016-00125, and IPR2016-00177.³ The Hearing will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In-person attendance will be accommodated on a first-come first-served basis. The Board will provide a court reporter for

² Unless otherwise indicated, citations refer to Case IPR2016-00123.

³ A different panel presides over Cases IPR2016-00146 and IPR2016-00156. The parties should confer and resolve any other coordination issues regarding presentation at the Hearing.

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the Hearing, and the reporter's transcript will constitute the official record of the Hearing.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven (7) business days prior to the Hearing. They shall be filed at the Board at least two (2) business days prior to the Hearing. The parties must initiate a conference call with the Board at least two (2) business days prior to the Hearing to resolve any dispute over the propriety of each party's demonstrative exhibits. Prior to any call, the parties must meet and confer in good faith to resolve any objections to demonstrative exhibits. Any dispute over the propriety of demonstrative exhibits that is not presented timely at least two (2) business days prior to the Hearing will be considered waived. The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, Case IPR2013-00041, Paper 65, 2–5 (PTAB Jan. 27, 2014), regarding the appropriate content of demonstrative exhibits.

The presenter must identify clearly and specifically any demonstrative exhibit (e.g., by slide or screen number) referenced during the Hearing to ensure the clarity and accuracy of the reporter's transcript and the ability of all judges to follow the presenter's arguments. Questions regarding specific audio-visual equipment should be directed to the Board at (571) 272-9797. Requests for audio-visual equipment are to be made at least five (5) business days in advance of the Hearing date. The request must be sent to Trials@uspto.gov. An untimely request may result in no equipment being available for the Hearing.

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The Board expects lead counsel for each party to be present at Hearing, although any backup counsel may make the actual presentation, in whole or in part. If only backup counsel will be in attendance at Hearing, the Board should be notified via a joint telephone conference call no later than two days prior to the Hearing to discuss the matter.

Accordingly, it is

ORDERED that Hearing will commence at 10:00 AM Eastern Time on February 7, 2017.

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