

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VOLKSWAGEN GROUP OF AMERICA, INC.,  
Petitioner,

v.

WEST VIEW RESEARCH, LLC,  
Patent Owner.

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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)<sup>1</sup>

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

PER CURIAM.

REVISED ORDER  
Oral Argument  
*35 U.S.C. § 316(a)(10) and 37 C.F.R. § 42.70(a)*

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<sup>1</sup> This Revised Order applies to all five cases. We exercise our discretion to issue one Revised Order to be filed in each case. The parties are not authorized to use this heading style without prior authorization from the panel.

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)

## I. DISCUSSION

On January 30, 2017, a conference call was held between counsel for Petitioner, Volkswagen Group of America, Inc. (“Volkswagen”), counsel for Patent Owner, West View Research, LLC (“West View”), and the panel members identified above. During that conference call, we granted West View’s oral request to withdraw its Motions to Amend filed in each of Cases IPR2016-00125 and IPR2016-00156. IPR2016-00125, Paper 21; IPR2016-00156, Paper 21. We also explained to the parties that oral argument for Cases IPR2016-00125 and IPR2016-00156 was no longer necessary as Volkswagen’s Petition and supporting evidence filed in each case stand un rebutted (i.e., there are no Patent Owner Responses or Motions to Amend that remain for our consideration). Counsel for West View confirmed during the conference call that it did not intend to make an appearance at the hearing to present patentability arguments for these two cases, as well as related Cases IPR2016-00123, IPR2016-00146, and IPR2016-00177. We then inquired whether Volkswagen still intended to proceed with oral argument regarding Cases IPR2016-00123, IPR2016-00146, and IPR2016-00177. Counsel for Volkswagen indicated that it would need to confer with its client as to whether it wanted to proceed with oral argument in these three cases. We set a forty-eight (48) hour deadline for Volkswagen to inform us whether it wished to proceed with oral argument.

On January 31, 2017, counsel for Volkswagen sent the panel an email correspondence indicating that it wished to proceed with oral argument for Cases IPR2016-00123, IPR2016-00146, and IPR2016-00177. Counsel for Volkswagen, however, represented that it would require no more than forty-

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five (45) minutes, in total, to address all three cases. Based on the particular circumstances discussed above, we modify the previous oral argument order entered into the record of each case as follows. IPR2016-00123, Paper 17; IPR2016-00125, Paper 20; IPR2016-00146, Paper 17; IPR2016-00156, Paper 20; IPR2016-00177, Paper 17. We *dismiss* the parties' request for oral argument in Cases IPR2016-00125 and IPR2016-00156 because West View effectively elected not to file a response in each case, and we *grant* Volkswagen's request for oral argument in Cases IPR2016-00123, IPR2016-00146, and IPR2016-00177.

Volkswagen will have 45 minutes, in total, to present arguments in Cases IPR2016-00123, IPR2016-00146, and IPR2016-00177. The hearing will commence at 1:00PM Eastern Time on Tuesday, February 7, 2017, and it will be open to the public for in-person attendance, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. In light of the particular circumstances discussed above, we only expect lead counsel for Volkswagen to be present at the hearing; however any backup counsel may make the actual presentation, in whole or in part. If only backup counsel for Volkswagen will be in attendance at the hearing, we should be notified via a joint telephone conference call no later than two days prior to the hearing to discuss the matter.

## II. ORDER

Accordingly, it is ORDERED that hearing for Cases IPR2016-00123, IPR2016-00146, and IPR2016-00177 will commence at 1:00PM Eastern Time on Tuesday, February 7, 2017.

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