

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GENERAL ELECTRIC COMPANY,  
Petitioner,

v.

UNITED TECHNOLOGIES CORPORATION,  
Patent Owner.

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Cases<sup>1</sup>

IPR2016-00862 (Patent 8,689,568 B2)

IPR2016-00952 (Patent 9,121,412 B2)

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Before HYUN J. JUNG, SCOTT A. DANIELS, and  
GEORGE R. HOSKINS, *Administrative Patent Judges*.

HOSKINS, *Administrative Patent Judge*.

ORDER

*Trial Hearing*  
37 C.F.R. § 42.70

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<sup>1</sup> We exercise our discretion to issue one order to be entered in each case. The parties are not authorized to use a caption identifying multiple proceedings.

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The parties have requested oral argument pursuant to 37 C.F.R. § 42.70. *See* IPR2016-00862, Papers 18, 19; IPR2016-00952, Papers 26, 27. The requests are *granted*. We leave it to the parties' discretion whether to present their arguments in each of these cases separately or together, and the parties will inform the panel at the hearing how the cases will be presented. If arguments are presented together, only one transcript will be provided for both proceedings.

The hearing will commence at 1:00 p.m. Eastern Time on July 24, 2017, on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia 22314. The hearing will be open to the public for in-person attendance, and in-person attendance will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

Each party will have 60 minutes of total argument time for both cases. Petitioner bears the ultimate burden of proof that the claims at issue in these reviews are unpatentable. Therefore, at the hearing, Petitioner will proceed first to present its arguments either separately or together on the asserted grounds of unpatentability on which we instituted trial in these cases. Petitioner may reserve rebuttal time. Thereafter, Patent Owner will argue its opposition to Petitioner's case separately, if the parties agree to such a presentation, or together, if the parties agree to present their cases together. Petitioner may then use any time Petitioner reserved to rebut Patent Owner's opposition.

Under 37 C.F.R. § 42.70(b), demonstrative exhibits must be served at least seven business days before the hearing. The parties may refer to *CBS*

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*Interactive Inc. v. Helferich Patent Licensing, LLC*, IPR2013-00033 (PTAB Oct. 23, 2013) (Paper 118), regarding the appropriate content of demonstrative exhibits. The parties shall meet and confer to discuss any objections to demonstrative exhibits. The parties shall file their demonstratives with the Board via e-mail communication to [Trials@uspto.gov](mailto:Trials@uspto.gov), and not by filing the demonstratives into the official record of the proceedings via the Board's electronic filing system, at least three business days before the hearing. If any issues regarding demonstratives remain unresolved after the parties meet and confer, the parties shall file jointly a one-page list of objections to the demonstrative exhibits at least three business days before the hearing. For each objection, the list must identify with particularity the demonstratives subject to the objection and include a short, one-sentence statement explaining the objection. The panel will consider the objections and schedule a conference call if necessary. Otherwise, rulings on the objections will be reserved until the hearing or after the hearing. Any objection to demonstrative exhibits not presented timely will be considered waived. The parties are reminded that the demonstrative exhibits presented in this case are not evidence and are intended only to assist the parties in presenting their oral argument to the panel.

Each party shall provide a hard copy of its demonstratives to the court reporter at the hearing. At least one judge may be participating remotely via a videoconferencing device and will not be able to view the projection screen in the hearing room. Consequently, the parties are reminded that the presenter must identify clearly and specifically each demonstrative exhibit

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(e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the transcript.

The Board expects lead counsel for each party to be present in person at the hearing. Lead or backup counsel, however, may present the party's argument. If either party anticipates that its lead counsel will not be attending the hearing, that party should initiate a joint telephone conference with the other party and the panel no later than three business days prior to the hearing to discuss the matter.

Requests for audio-visual equipment are to be made five business days in advance of the hearing date. The request is to be sent to [Trials@uspto.gov](mailto:Trials@uspto.gov). If the request is not received timely, the equipment may not be available on the day of the hearing.

It is:

ORDERED that oral argument will commence at 1:00 p.m. Eastern Time on July 24, 2017 in Alexandria, Virginia.

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