

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASSA ABLOY AB, ASSA ABLOY INC.,
ASSA ABLOY RESIDENTIAL GROUP, INC., AUGUST HOME, INC.,
HID GLOBAL CORPORATION, and
ASSA ABLOY GLOBAL SOLUTIONS, INC.,
Petitioner,

v.

TEXTRON INNOVATIONS INC.,
Patent Owner.

IPR2022-01093 (Patent 8,620,039 B2)¹
IPR2022-01094 (Patent 8,620,039 B2)

Before SCOTT A. DANIELS, AMBER L. HAGY and
FREDERICK C. LANEY, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

ORDER GRANTING REQUESTS FOR ORAL ARGUMENT
37 C.F.R. § 42.70

¹ We exercise our discretion to issue a single Order, to be filed in each case.
The parties are not authorized to use this caption for subsequent papers.

IPR2022-01093 (Patent 8,620,039 B2)

IPR2022-01094 (Patent 8,620,039 B2)

I. ORAL ARGUMENT

A. *Time and Format*

Petitioner and Patent Owner have each requested that a concurrent oral hearing be scheduled to include both above noted proceedings. For this hearing Patent Owner requested 45 minutes and Petitioner requested 60 minutes each for oral argument time. Papers 31, 32.² The parties' requests are *granted* and each party is allotted 60 minutes to present arguments in the combined proceedings. Petitioner and Patent Owner requested the hearing be conducted by videoconference. *Id.*

Oral arguments will commence at 1:00 PM Eastern Time on November 9, 2023, by videoconference. The parties are directed to contact the Board at least three (3) days in advance of the hearing if there are any concerns about disclosing confidential information. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing. The parties shall not make, or permit others to make, audio or visual recordings of the proceeding.

If at any time during the hearings, you encounter technical or other difficulties that fundamentally undermine your ability to adequately represent your client, please let the Panel know immediately, and adjustments will be made.³

To facilitate planning, each party must contact PTAB Hearings at PTABHearings@uspto.gov five business days prior to the oral hearing date to receive videoconference set-up information. As a reminder, all arrangements and expenses related to a party's appearance by video, such as

² For brevity, we refer only to paper numbers in IPR2022-01093.

³ For example, if a party is experiencing poor video quality, the Board may provide alternate dial-in information.

IPR2022-01093 (Patent 8,620,039 B2)

IPR2022-01094 (Patent 8,620,039 B2)

the selection of the facility to be used from which a party will attend by video, are the responsibility of that party. If a video connection cannot be established, the parties will be provided with dial-in connection information, and the oral hearing will be conducted telephonically.

If one or both parties would prefer to participate in the oral hearing telephonically, they should notify PTAB Hearings at the above email address five (5) business days prior to the hearing to receive dial-in connection information.

Please unmute yourself only when speaking. The panel will have access to all papers filed with the Board, including demonstratives. During the oral hearing, the parties are advised to identify clearly and specifically each demonstrative referenced (e.g., by slide or screen number) to ensure the clarity and accuracy of the court reporter's transcript. In addition, the parties are advised to identify themselves each time they speak. Furthermore, the remote nature of the oral hearing may also result in an audio lag, and so the parties are advised to observe a pause prior to speaking, so as to avoid speaking over others.

Petitioner bears the ultimate burden of proof that the challenged claims are unpatentable. 35 U.S.C. § 316(e). Therefore, starting at 11 am ET, by video, Petitioner will first present its case regarding the challenged claims at issue in IPR2022-01093 and IPR2022-01094. After Petitioner's presentation, Patent Owner may respond to Petitioner's arguments. Petitioner may respond to Patent Owner's argument using any time reserved for rebuttal. Patent Owner may then respond to Petitioner's rebuttal using any time reserved for sur-rebuttal.

IPR2022-01093 (Patent 8,620,039 B2)

IPR2022-01094 (Patent 8,620,039 B2)

B. Demonstratives and Audio–Visual Equipment

Notwithstanding 37 C.F.R. § 42.70(b), demonstrative exhibits, if any, must be served no later than four (4) business days before the hearing date.

They shall be filed with the Board no later than three (3) business days before the hearing date. Demonstrative exhibits are merely a visual aid for use at the hearing and are not evidence. Each slide should be clearly marked as such: for example, each slide may be marked with the words

“DEMONSTRATIVE EXHIBIT – NOT EVIDENCE,” in the footer.

Demonstrative exhibits shall not introduce new arguments or evidence. The parties shall meet and confer to discuss any objections to demonstrative exhibits at least three (3) 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 two (2) 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. We will consider the objections and schedule a conference call if necessary. For further guidance on what constitutes an appropriate demonstrative exhibit, the parties are directed to *CBS Interactive Inc. v. Helferich Patent Licensing, LLC*, Case IPR2013- 00033 (PTAB Oct. 23, 2013) (Paper 118).

We take this opportunity to remind the parties that each presenter must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the hearing to ensure the clarity and accuracy of the reporter’s transcript.

Any special requests for audio-visual equipment must be directed to PTABHearings@uspto.gov. A party may also indicate any special requests

IPR2022-01093 (Patent 8,620,039 B2)

IPR2022-01094 (Patent 8,620,039 B2)

related to appearing at a video oral hearing, such as a request to accommodate visual or hearing impairments, and indicate how the PTAB may accommodate the special request. Any special requests must be presented in a separate communication not less than five days before the hearings.

C. Legal Experience and Advancement Program

The Board has established the “Legal Experience and Advancement Program,” or “LEAP,” to encourage advocates with less legal experience to argue before the Board to develop their skills. Either party may request that a qualifying LEAP practitioner participate in the program and conduct at least a portion of the party’s oral argument. The Board will grant up to fifteen (15) minutes of additional argument time to that party, depending on the length of the proceeding and the PTAB’s hearing schedule. A party should submit a request, no later than three (3) business days before the oral hearing, by email to the Board at PTABHearings@uspto.gov. Additional information and a combined LEAP Practitioner Request for Oral Hearing Participation and Verification Form is available on the LEAP website, www.uspto.gov/leap.

II. ORDER

Accordingly, it is

ORDERED that oral argument for these proceedings shall commence at **1:00 PM Eastern Time on November 9, 2023**, and proceed in the manner set forth herein.

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